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Legislative History – Montana Session Law

Chapter: 252 Session L: 2005

Bill Number: SB 350

Checklist of Bill History

History and Final Status Sheet	☑
Introduced Bill	☑
Fiscal Note	☐
Third Reading Bill	☑
Final Version of Bill	☑

House	Senate
Committee: Local Government	Committee: Local Government
Hearing Date(s): 3/15/2005	Hearing Date(s): 2/17/2005
Committee Report: 3/22/2005	Committee Report: 2/18/2005

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: S.K. Marshall

Date: 11/19/2024

Notes: Audio recording can be found here: https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20050217/-1/26673#info

Thank you!

AN ACT PROVIDING THAT DIVISIONS OF LAND THAT ARE EXEMPT FROM REVIEW AS SUBDIVISIONS ARE SUBJECT TO APPLICABLE LOCAL ZONING REGULATIONS; AND AMENDING SECTION 76-3-207, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-207, MCA, is amended to read:

"76-3-207. ~~Subdivisions~~ Divisions of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved

by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed $200, for the examination."

- END -

I hereby certify that the within bill,
SB 0350, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 350

INTRODUCED BY COCCHIARELLA

AN ACT PROVIDING THAT DIVISIONS OF LAND THAT ARE EXEMPT FROM REVIEW AS SUBDIVISIONS ARE SUBJECT TO APPLICABLE LOCAL ZONING REGULATIONS; AND AMENDING SECTION 76-3-207, MCA.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/15/05	Chapter Number Assigned				
04/15/05	(S) Signed by Governor				
04/07/05	(S) Transmitted to Governor				
04/07/05	(H) Signed by Speaker				
04/06/05	(S) Signed by President				
04/06/05	(C) Printed - New Version Available				
04/06/05	(S) Returned from Enrolling				
04/06/05	(S) Sent to Enrolling				
04/05/05	(H) Returned to Senate				
04/05/05	(H) 3rd Reading Concurred		68	32	
04/05/05	(H) Scheduled for 3rd Reading				
04/04/05	(C) Printed - New Version Available				
04/04/05	(H) 2nd Reading Concurred		60	40	
04/04/05	(H) Scheduled for 2nd Reading				
03/24/05	(H) Committee Report--Bill Concurred	(H) Local Government			
03/23/05	(H) Committee Executive Action--Bill Concurred	(H) Local Government	11	6	
03/15/05	(H) Hearing	(H) Local Government			
03/03/05	(H) Referred to Committee	(H) Local Government			
03/03/05	(H) First Reading				
02/22/05	(S) Transmitted to House				
02/22/05	(S) 3rd Reading Passed		48	2	
02/22/05	(S) Scheduled for 3rd Reading				
02/21/05	(S) 2nd Reading Passed on Voice Vote		50	0	
02/21/05	(S) Scheduled for 2nd Reading				
02/18/05	(S) Committee Report--Bill Passed	(S) Local Government			
02/18/05	(S) Committee Executive Action--Bill Passed	(S) Local Government	11	0	
02/17/05	(S) Hearing	(S) Local Government			
02/04/05	(S) Hearing Canceled	(S) Local Government			
02/01/05	(C) Introduced Bill Text Available Electronically				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/01/05	(S) Referred to Committee	(S) Local Government			
02/01/05	(S) First Reading				
02/01/05	(S) Introduced				
01/31/05	(C) Draft Delivered to Requester				
01/31/05	(C) Draft Ready for Delivery				
01/29/05	(C) Draft in Assembly/Executive Director Review				
01/28/05	(C) Draft in Final Drafter Review				
01/28/05	(C) Bill Draft Text Available Electronically				
01/28/05	(C) Draft in Input/Proofing				
01/28/05	(C) Draft to Drafter - Edit Review [SAB]				
01/28/05	(C) Draft in Edit				
01/27/05	(C) Draft in Legal Review				
01/15/05	(C) Draft to Requester for Review				
10/29/04	(C) Draft Request Received				

SENATE BILL NO. 350

INTRODUCED BY V. COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT DIVISIONS OF LAND THAT ARE EXEMPT FROM REVIEW AS SUBDIVISIONS ARE SUBJECT TO APPLICABLE LOCAL ZONING REGULATIONS; AND AMENDING SECTION 76-3-207, MCA."

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- END -

SENATE BILL NO. 350

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- END -

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN JEFF MANGAN**, on February 17, 2005 at 3:15 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:
Sen. Jeff Mangan, Chairman (D)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Jim Shockley (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Kirby, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:	SB 370, 2/8/2005; SB 237, 1/19/2005; SB 350, 2/3/2005; SB 382, 2/12/2005; SB 458, 2/12/2005
Executive Action:	SB 350; SB 370; SB 237; SB 382; SB 309; SB 253; SB 458; SB 301; SB 167

HEARING ON SB 370

{Tape: 1; Side: A; Approx. Time Counter: 3}

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SB 370,** Detention officers included in sheriffs' retirement system.

{Tape: 1; Side: A; Approx. Time Counter: 3 - 6.2}

SEN. SQUIRES told the committee that the county detention officers were the only criminal justice law enforcement officers that are left out of the twenty-year retirement. **SEN. SQUIRES** explained that county detention officers were the only front-line officers not on a twenty-year system. She said that recruitment was more difficult and turnover rates are higher. **SEN. SQUIRES** contended that with a twenty-year system, training costs would be reduced as the detention centers would retain good people and the turnover would be reduced.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 6.2 - 28.6}

Jim Cashell, Gallatin County Sheriff's Office and Montana Sheriffs and Peace Officers Association, told the committee that the effects would be far-reaching and numerous people had driven several hours to testify. He handed out a packet with the proposal in it.

EXHIBIT(los39a01)

He told the committee that there were some questions on the fiscal note. It stated that all detention officers would transfer to the Sheriff's Retirement. **Mr. Cashell** disagreed because it would be cost prohibitive for many of the officers to transfer, especially if they had been on the force for five years. He assured the committee that if they wanted to transfer, they would have to pay for it. **Mr. Cashell** informed the committee that the cost to the officers and county would go up but there was no third-party in the retirement system. **Mr. Cashell** noted that part-time employees could be a part of the system because many small counties required that officers do more than just detention. He told the committee that the Sheriff's Retirement System was one of the soundest systems in the state and that new members would not materially alter the deficiencies. He commented that because of the market forces, there may be a need to

increase contributions. He handed out a copy of the Montana Code Annotated.

EXHIBIT(los39a02)

He told the committee that there was an issue that Detention Officers were not certified and he proved that they were.

Raymond Glendening, American Federation of State, County, and Municipal Employees Council 9, stood in support of **SB 370.**

Sheenagh Lee, Dawson County Sergeant, noted that the bill would reduce the wages paid by counties. She said that over a 30-year term, the highest paid employee works for an additional ten years rather than retiring at twenty years and being replaced by a lower-wage employee. That was a $40,000 a year savings per employee in just one county. She acknowledged that it would cost $500 dollars more in retirement contributions but they would be more likely to retain good employees. She said that it costed $5,000 to train a new employee and the turnover rate would be lower so there would be reduced training costs. **Ms. Lee** informed the committee that there was a provision in the Sheriff's retirement for work-related disability and an injured officer would receive $2,700 verses $240. She stated that detention officers were certified and trained. She told the committee that detention officers had a more dangerous job than street officers because ninety-nine percent of the people that they dealt with were convicted felons and violent criminals. **Ms. Lee** noted that there was also a danger of blood-borne pathogens.

Dennis McCave, Yellowstone City Sheriff, said that a twenty-year term is appropriate for the high-risk and high-stress job that detention officers do. He noted that the state detention officers were on a twenty-year retirement plan and the counties should as well. **Mr. McCave** told the committee that it was hard to retain detention officers and they needed to level the playing field.

Matt Thiel, Detention Officer Association of Missoula County, supported **SB 370.**

Gene Fenderson, Laborers' Union, told the committee that detention officers needed help and it was important to pass the bill.

Kathy Frame, Flathead County Sheriff, informed the committee that she and four members of her staff came to testify on their own time and at their own expense. She wanted to retain staff. She said it was bad for the criminals to have more years experience in Montana jails than the officers did.

Anita Tymrak, Gallatin County Sheriff, supported **SB 370** because line officers needed a twenty-year retirement plan.

Don Judge, Teamsters Local 190, stood in strong support of **SB 370.**

Dave Walsh, Detention Officer Flathead County, said that the bill was about fairness. He told the committee that he was a twenty-five year veteran and gained nothing from the legislation. He was testifying for the young officers. He said that if he had a twenty-year retirement plan, he would be retired.

Chaplain Sam Kinser, Yellowstone City Sheriff, said that the detention officers did not last long in the jails and deserved a twenty-year retirement plan.

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 28.6 - 30.7}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 13.4}

Kelly Jenkins, Public Employees Retirement Board, read his testimony into the record.

EXHIBIT(los39a03)

Mr. Jenkins handed out a packet summarizing the Montana Public Employee's Retirement Plan.

EXHIBIT(los39a04)

Terry Teichrov, Public Employees Retirement Board, said that it was confusing who would be allowed into the system and the bill needed to redefine it. He believed that it would be more appropriate to put the detention officers in the game warden's and Peace Officer's retirement plans, instead of the sheriff's retirement plan.

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Counter: 13.4 - 22.2}

SEN. ESP asked how the officers buy their way into the system. **Mr. Jenkins** answered that they could elect in, and if they were part of a retirement plan currently, they could transfer their time in at a higher cost. **SEN. ESP** wanted to know if that

provision was in the bill. **Mr. Jenkins** responded that it was a provision in law.

SEN. WHEAT questioned **Mr. Blattie** if he had heard what **Mr. Jenkins** said about costing the counties millions of dollars. **Mr. Blattie** responded that his membership was divided on the bill and so he did not speak on **SB 370. SEN. WHEAT** wanted to know if he agreed or disagreed with the **Mr. Jenkin's** analysis. **Mr. Blattie** answered that he had no fiscal analysis.

SEN. GEBHARDT wanted to know if a detention officer was identified as such. **Mr. Cashell** responded that the contracts and payroll defined officers as detention officers. **SEN. GEBHARDT** questioned about pay rates. **Mr. Cashell** said that payroll identified someone as a detention officer or not.

SEN. GEBHARDT asked **Mr. Jenkins** if an officer transferred their time to the Sheriff's Retirement system, they could trade a two for one deal from one retirement system to the other. **Mr. Jenkins** answered yes.

SEN. HAWKS questioned if **Mr. Cashell** was aware of the deficiencies in the sheriff's retirement system. **Mr. Cashell** replied that he had not seen the document before and that they were relying on the fiscal note.

SEN. MANGAN wanted to know if **Mr. Cashell** was testifying on behalf of the association or in his role as Sheriff of Gallatin county. **Mr. Cashell** answered that he was speaking on behalf of both the Members of Association of Sheriffs and Peace Officers Associaiton and in his role as Sheriff. He noted that **SB 370** was the association's number one priority.

Closing by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 22.2 - 24.1}

SEN. SQUIRES called **SB 370** a golden opportunity for younger officers to transfer to a good system. She said the detention officers had a hard job and deserved a twenty-year retirement. She noted that the Sheriffs and Peace Officer's Associaiton supported **SB 370** and it was important for the committee to support the group.

HEARING ON SB 237

{Tape: 2; Side: A; Approx. Time Counter: 0.8}

Opening Statement by Sponsor:

SEN. DAN WEINBERG (D), SD 2, opened the hearing on **SB 237,** Allow fee structures, projected fees to be used in selecting certain services.

{Tape: 2; Side: A; Approx. Time Counter: 0.8 - 6.2}

SEN. WEINBERG explained that currently local agencies and special districts that hire architects, engineers, and surveyors are not allowed to consider prices when they hire, they can only consider qualifications. He noted that it was good for the specialists but bad for municipalities. **SB 237** allowed local agencies and special districts to consider costs. He told the committee that he had worked out an amendment with the architects and engineers.

EXHIBIT(los39a05)

SEN. WEINBERG said that was the compromise on the bill. He asked where else is one not allowed to ask costs. He commented that services should not be gauged by what the cost is. He stated that it is more capitalistic and only fair.

Proponents' Testimony:

{Tape: 2; Side: A; Approx. Time Counter: 6.2 - 25.7}

SEN. JOHN BRUEGGEMAN, SD 6, POLSON, supported **SB 237** on behalf of the City of Polson. He said that the city would like to compare engineers by cost.

Gary Marks, City of Whitefish, read his testimony into the record.

EXHIBIT(los39a06)

Mr. Marks submitted a packet containing letters of support from Montana cities and counties.

EXHIBIT(los39a07)

Eric Garberu, City of Whitefish, told the committee that the status quo did not work. He said that private infrastructure had the same level of quality in work and yet, private employers do

ask costs. He questioned the objectivity of the opponents. He asked why they would fear a competitive bid and the pursuit of the best value. He declared that opponents were not afraid of the loss of quality work, but feared having to provide it at a quality price.

Doug Adams, City of Whitefish, read his testimony into the record.

EXHIBIT(los39a08)

SEN. MANGAN exited.

Opponents' Testimony:

{Tape: 2; Side: A; Approx. Time Counter: 25.7 - 31.9}
{Tape: 2; Side: B; Approx. Time Counter: 1 - 15.6}

Jay Skoog, ACEC Montana, read his testimony into the record.

EXHIBIT(los39a09)

William Grant, Montana American Institute of Architects, opposed the bill because the status quo of Qualification Based Selection (QBS) worked in 48 states. He said that if the lowest bid was used, there would be a significant reduction in quality. He gave the committee a packet with information on QBS.

EXHIBIT(los39a10)

Karen Fagg, HKM Engineering, read her testimony into the record.

EXHIBIT(los39a11)

Brent Campbell, NGM Engineering, explained the history of QBS. He told the committee that other cost-based processes were tried and they did not work. In 2000, the code was updated and made qualifications the number one priority and cost was secondary. He note that current Montana law is the same as federal law.

Jani McCall, City of Billings, told the committee that the Billings city council had voted 6 to 5 to oppose the bill.

Susan Bjerke, Architectural Society of Helena, stood in opposition to **SB 237.**

Jerry Ballas, Missoula Architect, opposed **SB 237.**

Julie Shewman, American Society of Civil Engineers of Montana, gave her testimony to the committee.

EXHIBIT(los39a12)

Roger Foster submitted his written testimony.

EXHIBIT(los39a13)

Dave Zatille stood in opposition to the bill.

Jim Kembel, Montana Association of Registered Land Surveyors, opposed **SB 237.**

Informational Testimony:

{Tape: 2; Side: B; Approx. Time Counter: 15.6 - 16.3}

Ross Katherman, State Department of Administration Architects & Engineering Division, told the committee that he was available for questions.

Questions from Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Counter: 16.3 - 31.2}
{Tape: 3; Side: A; Approx. Time Counter: 0 - 1.9}

SEN. WHEAT asked **Mr. Katherman** to describe the process of QBS. **Mr. Katherman** explained that the department submitted an advertisement for a project, then professionals submitted their qualifications and department made a short list of 3 firms. Next the director of the department of administration made the final selection and began a discussion of costs. **SEN. WHEAT** wanted to know if QBS worked. **Mr. Katherman** answered that it had worked and occasionally, a firm and the Department could not agree on price but most of the time, it worked well.

SEN. HAWKS questioned **Mr. Marks** why he was uncomfortable with the process. **Mr. Marks** responded that agencies did not know the competitive price. **SEN. HAWKS** asked whether the firms were unwilling to negotiate. **Mr. Marks** answered that they did that now because it was the law.

SEN. HAWKS asked if **Mr. Marks** commissioned a personal painting, what he would consider. **Mr. Marks** said that he would look at both quality and price.

SEN. GILLAN wanted to know what happened if the firm and Department could not negotiate a price. **Mr. Katherman** stated that the Director would choose one of the other two short-listed firms.

SEN. O'NEIL wanted to know why **Mr. Whiteside,** the designer of the capitol, had broke from the QBS system. **Mr. Grant** said he was not familiar with the set of circumstances but assumed that it was a negotiation in the system.

SEN. SHOCKLEY asked if QBS was used for the project on the Capitol steps. **Mr. Grant** deferred to **Mr. Katherman. Mr. Katherman** answered that it was.

SEN. SHOCKLEY noted that it did not work well because people could not use the front door. **Mr. Katherman** said it was an issue with security and should be referred to them.

SEN. LAIBLE wanted to know what would happen if the price process came before the qualified process. **Mr. Katherman** answered that the Director relied on the recommendation of the building committee and there would be no opportunity to sit down with the firm and give a scope. He guessed that the firms would have to give a range of cost.

SEN. LAIBLE asked if the Department had the ability to reject non-qualified bidders. **Mr. Katherman** answered affirmatively. **SEN. LAIBLE** wanted to know if the Department had to take the lowest bidder. **Mr. Katherman** responded that they had to take the lowest, qualified bidder.

SEN. MOSS asked **Ms. Fagg** to give the process of QBS. **Ms. Fagg** compared the process to a knee replacement surgery verses an amputation, both would solve a bad knee but one is preferable. She said the scopes are not detailed enough and there were wide variations.

SEN. SHOCKLEY wanted to know if the QBS system was used on the leaky roof in Miles City. **Mr. Katherman** responded that they had.

SEN. ESP asked if, under **SB 237,** the agency would have to use a cost-based process. **Mr. Katherman** answered that the bill was permissive.

SEN. MANGAN entered.

Closing by Sponsor:

{Tape: 3; Side: A; Approx. Time Counter: 1.9 - 4.7}

SEN. WEINBERG noted that hospitals discuss qualifications and salary with their surgeons and architects need to be chosen just as carefully. He said that public money should be handled carefully. **SEN. WEINBERG** believed that costs should be taken into account, agencies did not have to choose the low-bid every time but price should be added to the list of criteria.

HEARING ON SB 350

{Tape: 3; Side: A; Approx. Time Counter: 5.7}

Opening Statement by Sponsor:

SEN. VICKI COCCHIARELLA (D), SD 47, opened the hearing on **SB 350,** Revise subdivision review exemptions.

{Tape: 3; Side: A; Approx. Time Counter: 5.7 - 7.5}

SEN. COCCHIARELLA said that zoning should be predictable. **SB 350** mandated that subdividers must follow the zoning laws. She believed that the bill would reduce the questions in regards to in-fill development.

Proponents' Testimony:

{Tape: 3; Side: A; Approx. Time Counter: 7.5 - 15.7}

Jim Nugent, City of Missoula, read his testimony into the record.

EXHIBIT(los39a14)

Jerry Ballas, Missoula City Council, supported the bill because zoning should play a part in subdivision. It would add an element to subdivision review and assist local governments.

Jon Wilkins, Lewis and Clark County, stated that in-fill was hurting neighborhoods and zoning should be considered in subdivisions. He believed that many people bought property because of the zoning protection.

Jani McCall, City of Billings, made a brief statement of support for Ramona Maddox, Billings city planner.

Fred Bodholt, Save our Neighborhoods, supported the bill because zoning is important to predictability. He noted that developers had to follow zoning.

Paul Sopko, City of Missoula, said that **SB 350** should be a "duh" bill. He thought it was a loophole in the law and needed to be solved.

Tammy McGill, Montana Association of Planners, supported the bill. She said that it was important that developers must conform to zoning and it would assist the land planning offices.

Alec Hansen, League of Cities and Towns, told the committee that the League of Cities and Towns approved the bill unanimously.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Counter: 15.7 - 20.5}

SEN. ESP asked **Mr. Nugent** why other subdivision regulations did not prevent in fill. **Mr. Nugent** answered that there were numerous exemptions and developers relocated the boundary, which exempted them from subdivision laws and therefore zoning.

SEN. GEBHARDT wanted to know if the word "each" on line 19 should be an "a". **SEN. COCCHIARELLA** agreed. **SEN. GEBHARDT** asked if it made any subdivisions a zoned area. **SEN. COCCHIARELLA** stated that developers must follow zoning if it is there.

SEN. MANGAN questioned whether the surveyors were going to support the bill. **Mr. Kembel** said no.

Closing by Sponsor:

{Tape: 3; Side: A; Approx. Time Counter: 20.5 - 22.2}

SEN. COCCHIARELLA stated that predictability is important in development and zoning provided that predictability. **SEN. COCCHIARELLA** contended that the bill did not take away anyone's rights to change zoning, it just mandated that if zoning existed, developers must follow it. She thought it would curb overzealous developers.

HEARING ON SB 382

{Tape: 3; Side: A; Approx. Time Counter: 22.3}

Opening Statement by Sponsor:

SEN. JIM ELLIOTT (D), SD 7, opened the hearing on **SB 382,** Narrow use of eminent domain.

{Tape: 3; Side: A; Approx. Time Counter: 22.3 - 25.6}

SEN. ELLIOTT explained that **SB 382** would prevent the government from condemning property and than re-selling it, within ten years. He thought that it was not good public policy for the government to condemn private land and resell it for the purpose of increasing the government's tax base. He gave the committee some examples of the situation occurring. He handed out a sheet with examples of eminent domain abuse.

EXHIBIT(los39a15)

Proponents' Testimony:

{Tape: 3; Side: A; Approx. Time Counter: 25.6 - 27.2}

Nancy Schlepp, Montana Farm Bureau, supported the bill because of concern over agricultural land. She said that it was important to preserve range land. She called the bill proactive over reactive.

Opponents' Testimony:

{Tape: 3; Side: A; Approx. Time Counter: 27.2 - 32.2}
{Tape: 3; Side: B; Approx. Time Counter: 0.6 - 1}

Jim Nugent, City of Missoula, read his testimony.

EXHIBIT(los39a16)

Alec Hansen, League of Cities and Towns, opposed the bill because local governments needed to be able to use urban renewal to control and improve blight areas. He noted that **SB 382** would ruin the government's ability to redevelop property. **Mr. Hansen** said that **SB 382** would be a hindrance to cities and reduce the ability to preserve downtown districts. Urban renewal was a tool to redevelop and should be protected.

Jani McCall, City of Billings, stated that **SB 382** would paralyze urban renewal.

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Counter: 1 - 5}

SEN. HAWKS asked how the bill affected the public-private partnership that is used in the state. **SEN. ELLIOTT** answered that the power of eminent domain has not been used but the bill was designed to prevent any possibility of abuse.

SEN. ESP questioned whether an amendment to allow for eminent domain in the case of in-fill would be agreeable. **SEN. ELLIOTT** replied that private property was private property and whether eminent domain was used for in-fill or not, it was the same issue.

SEN. LAIBLE wanted to know what the definition of "blight" was. **Mr. Nugent** said that it was defined in statute but it was an area that needed rehabilitation.

Closing by Sponsor:

{Tape: 3; Side: B; Approx. Time Counter: 5 - 7.9}

SEN. ELLIOTT told the committee a story, the moral of which was "what is blight to some people is home to others." He did not feel that the bill would stop urban redevelopment. He said that it was a point of private property and the owner should expect to have his or her home.

HEARING ON SB 458

{Tape: 3; Side: B; Approx. Time Counter: 8}

Opening Statement by Sponsor:

SEN. KIM GILLAN (D), SD 24, opened the hearing on **SB 458,** Time for action against municipality for land use decision.

{Tape: 3; Side: B; Approx. Time Counter: 8 - 9.6}

SEN. GILLAN brought the bill on behalf of the city of Missoula. She explained that the bill would change challenges of land use decisions statute of limitations of 30 days.

Proponents' Testimony:

{Tape: 3; Side: B; Approx. Time Counter: 9.6 - 16.8}

Alec Hansen, League of Cities and Towns, supported the bill because it would provide certainty. He gave the example of a conditional use permit being granted and a lawsuit filed three months later. He said that it would be money better spent. He noted that the developer also only had thirty days to challenge as well.

Jim Nugent, City of Missoula, read his testimony.

EXHIBIT(los39a17)

Jani McCall, City of Billings, supported **SB 458** because it provided good prosecution of the law.

Tammy McGill, Montana Association of Planners, stood in support of the bill. She said that it provided a much-needed statute of limitations.

Curt Chisolm, Montana Building Industry Association, said he saw the bill as a good solution. He noted that the sword cut both ways and was an agreeable situation.

Opponents' Testimony: None.

Informational Testimony:

{Tape: 3; Side: B; Approx. Time Counter: 16.8 - 17.9}

Michael Kakuk, Montana Association of Realtors, had some questions regarding the law. He said that it was unclear when the thirty-day deadline started.

Questions from Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Counter: 17.9 - 23.2}

SEN. ESP asked about **Mr. Kakuk's** concern. **SEN. GILLAN** promised to find an amendment in the next hour.

SEN. SHOCKLEY questioned if thirty days would be better from notification of the property owner to ensure that the owner knew of the decision. **SEN. GILLAN** answered that land use decisions are noticed and she would assume that the property owner would have received notification.

SEN. MOSS and **SEN. WHEAT** exited.

SEN. ESP wanted to know how the bill applied to construction projects. **Mr. Kakuk** replied that they would work on that.

Closing by Sponsor:

{Tape: 3; Side: B; Approx. Time Counter: 23.2 - 23.9}

SEN. GILLAN told the committee that she would be working on a conceptual amendment. She noted that if there were still problems, it could be changed on the floor

SEN. O'NEIL and **SEN. SHOCKLEY** exited.

EXECUTIVE ACTION ON SB 350

{Tape: 4; Side: A; Approx. Time Counter: 0 - 1.8}

Motion/Vote: **SEN. GEBHARDT moved that SB 350 DO PASS. Motion carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.**

EXECUTIVE ACTION ON SB 370

{Tape: 4; Side: A; Approx. Time Counter: 1.8 - 13}

Motion: **SEN. SQUIRES moved that SB 370 DO PASS.**

Discussion: **SEN. ESP** told the committee that he was voting against the bill. He said that the retirement funds were in trouble because of declining investment and additional membership. **SEN. ESP** expressed his sympathy for the detention officers but felt that the funds could handle it at the time. **SEN. MANGAN** asked if **Mr. Jenkins** had anything to do with the writing of the bill's fiscal note. **Mr. Jenkins** answered that his office did. **SEN. GILLAN** pointed out that the sheriff's fund was at ninety-five percent, which was the highest except for the judges' fund. **SEN. SQUIRES** declared that the fund was five percent unfunded. She stated that the only people that would take advantage of the bill would be the new hires. She contended that there was no reason for the Sheriff Retirement Fund to not be not actually sound and she noted that they were wanted in the fund pool. **SEN. ESP** stated that they would have to input money later. **SEN. MANGAN** pointed out that **Mr. Jenkins** had brought new information to the committee that was not reflected on the fiscal

note and **Mr. Jenkins** had input on the fiscal note. He commented that the information should have been available on the fiscal note. He said that there were numerous county commissioners in the capitol building that day and if they were strongly against the bill, they would have testified. **SEN. SQUIRES** stated that it was a fairness and equity issue and that the deputies were willing to pay extra and the sheriffs were willing to accept them into the retirement fund.

Vote: Motion that SB 370 DO PASS carried 7-4 by roll call vote with SEN. ESP, SEN. LAIBLE, SEN. O'NEIL, and SEN. SHOCKLEY voting no. SEN. MOSS and SEN. WHEAT voted aye by proxy. SEN. O'NEIL and SEN. SHOCKLEY voted no by proxy.

EXECUTIVE ACTION ON SB 237

{Tape: 4; Side: A; Approx. Time Counter: 13 - 21.6}

Motion: SEN. ESP moved that SB 237 DO PASS.

Motion: SEN. ESP moved that SB 237 BE AMENDED WITH SB023701.alk.

Vote: Motion that SB 237 BE AMENDED carried 10-1 by voice vote with SEN. GILLAN voting no. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

Motion: SEN. ESP moved that SB 237 DO PASS AS AMENDED.

Discussion: SEN. ESP told the committee that it should be an allowable option. **SEN. HAWKS** stated that it was a Whitefish problem and the counties, cities, and towns were all against the bill. He said that the language was permissive and his experience was that only taking the lowest bid was a bad situation. **SEN. GEBHARDT** contended that allowance was needed in the law, he felt that raising the limit would work the best. He believed that the status quo would provide what they needed if the limit was higher. **SEN. LAIBLE** favored the bill because the language was permissive and just puts the bidding process on the front end of the negotiations.

Motion: SEN. GILLAN CALLED THE QUESTION ON SB 237.

Vote: Motion that SB 237 DO PASS AS AMENDED failed 3-8 by roll call vote with SEN. ESP, SEN. LAIBLE, and SEN. O'NEIL voting aye. SEN. MOSS, SEN. SHOCKLEY, and SEN. WHEAT voted no by proxy. SEN. O'NEIL voted aye by proxy.

Motion/Vote: **SEN. HAWKS moved that SB 237 BE TABLED AND THE VOTE REVERSED.**

EXECUTIVE ACTION ON SB 382

{Tape: 4; Side: A; Approx. Time Counter: 21.6 - 28.9}

Motion: **SEN. ESP moved that SB 382 DO PASS.**

Discussion: **SEN. HAWKS** told the committee that the situation was rare but he could foresee the need in the future. He said that he would hate to tie cities hands but that currently, he would vote no. **SEN. LAIBLE** supported the bill because blight was a problem and steps needed to be taken to prevent the economic and social liability. **SEN. GILLAN** opposed the bill. She stated that there was a due process to eminent domain and the bill was not needed. **SEN. MANGAN** said that if he thought working on the bill would improve it and change some minds, he would do so but he believed that several committee members were absent and it would be difficult to write amendments that would work. **SEN. ESP** was unsure of whether the bill just applied to urban blight or properties on the edge of town. **SEN. MANGAN** expressed that he was unsure as well.

Vote: **Motion that SB 382 DO PASS failed 3-8 by roll call vote with SEN. ESP, SEN. LAIBLE, and SEN. O'NEIL voting aye. SEN. MOSS, SEN. SHOCKLEY, and SEN. WHEAT voted no by proxy. SEN. O'NEIL voted aye by proxy.**

Motion/Vote: **SEN. ESP moved that SB 237 BE TABLED AND THE VOTE REVERSED. Motion passed by voice vote with SEN. ESP, SEN. LAIBLE and SEN. O'NEIL voting no. EN. MOSS, SEN. SHOCKLEY and SEN. WHEAT voted no by proxy. SEN O'NEIL voted aye by proxy.**

EXECUTIVE ACTION ON SB 309

{Tape: 4; Side: A; Approx. Time Counter: 28.9 - 30.5}

Motion: **SEN. SQUIRES moved that SB 309 DO PASS.**

Substitute Motion/Vote: **SEN. ESP made a substitute motion that SB 309 BE TABLED. Substitute motion carried 8-3 by voice vote with SEN. GEBHARDT, SEN. O'NEIL, and SEN. SQUIRES voting no. SEN. MOSS, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy. SEN. O'NEIL voted no by proxy.**

EXECUTIVE ACTION ON SB 253

{Tape: 4; Side: B; Approx. Time Counter: 2.1 - 6.5}

Motion: SEN. GILLAN moved that SB 253 DO PASS.

Discussion: SEN. GILLAN said that the bill was to correct a problem of taxation without representation. **SEN. GEBHARDT** told the committee that a property owner had the right to vote on things that involved that land, whether or not they lived on the land. He stated that there were some issues with precincts and districts but that could be worked out. **SEN. HAWKS** called it an "age-old problem" and there was a matter of fairness involved. He commented that it was not fair for people to vote in city elections and not pay city taxes. He noted that the bill would probably not pass Constitutional muster. **SEN. SQUIRES** told **SEN. HAWKS** that when his district started to grow, he would change his mind on the bill. **SEN. MANGAN** said that he did not realize that **SB 253** concerned Missoula. **SEN. SQUIRES** replied that it dealt with Evergreen and Target Range.

Substitute Motion/Vote: SEN. ESP made a substitute motion that SB 253 BE TABLED. Substitute motion carried 8-3 by roll call vote with SEN. GEBHARDT, SEN. O'NEIL, and SEN. SQUIRES voting no. SEN. MOSS, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy. SEN. O'NEIL voted no by proxy.

EXECUTIVE ACTION ON SB 458

{Tape: 4; Side: B; Approx. Time Counter: 6.5 - 9.3;
Comments: Tape recorder died at the end of this executive action. The recording is slightly garbled.}

Motion: SEN. GILLAN moved that SB 458 DO PASS.

Motion: SEN. GILLAN moved that SB 458 BE AMENDED.

EXHIBIT(los39a18)

Discussion: SEN. GILLAN explained her amendment.

Vote: Motion that SB 458 BE AMENDED carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

Motion/Vote: SEN. GILLAN moved that SB 458 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

The committee took a short break to get a new recorder.

EXECUTIVE ACTION ON SB 301

{Tape: 4; Side: B; Approx. Time Counter: 9.3 - 13}

Motion: SEN. ESP moved that SB 301 DO PASS.

Motion: SEN. ESP moved that SB 301 BE AMENDED.

EXHIBIT(los39a19)

Discussion: SEN. ESP explained his amendment.

Vote: Motion that SB 301 BE AMENDED carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

Motion: SEN. ESP moved that SB 301 DO PASS AS AMENDED.

Discussion: SEN. LAIBLE said that he had talked to the Code Commissioner and he had no problems with the bill as amended explained his amendment. **SEN. HAWKS** asked for a short summery of what the bill did. **SEN. ESP** told him that it provided a list of what counties could do. He said that it consolidated the list into one section.

Vote: Motion that SB 301 DO PASS AS AMENDED carried unanimously by voice vote. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.

EXECUTIVE ACTION ON SB 167

{Tape: 4; Side: B; Approx. Time Counter: 13 - 24.2}

Motion: SEN. MANGAN moved that SB 167 DO PASS.

Discussion: SEN. MANGAN apologized to the committee because he had not completed any amendments. He told the committee that he was more than willing to go forward with the bill because he thought it was still a good idea. He said that he would not move any of the amendments that **SEN. ELLIOTT** proposed. **SEN. MANGAN**

explained that the bill was important to Great Falls and Billings.

SEN. LAIBLE acted as Chairman.

SEN. ESP asked what **SEN. ELLIOTT'S** amendments did. **SEN. MANGAN** answered that it took out funding for the bill and reduced the number of Tax Increment Finance (TIF) districts.

Motion: **SEN. ESP moved that SB 167 BE AMENDED WITH SB016701.alh.**

Discussion: **SEN. HAWKS** said that the money that would be tied up with TIF districts would take funding from schools and other facilities and programs. He thought that there would be a bigger impact to the bill and questioned whether it was fair. **SEN. MANGAN** acknowledged it was a valid point but it was a policy choice. He maintained that TIFs work but are not being utilized because the parameters were too narrow. He said that cities wanted to use TIFs more but could not. **SEN. GILLAN** opposed the amendment because it would make the bill more convoluted. She noted that if the legislature came up with a new school funding formula, it would reduce the mills. **SEN. GEBHARDT** agreed and said that without the bill, there would not be the development and so there would not be money for schools. He believed that it just invest money into TIFs that the schools would get eventually. **SEN. ESP** stated that it was giving away something that did not belong to you.

Motion: **SEN. HAWKS CALLED THE QUESTION ON SB016701.ALH.**

Vote: **Motion that SB 167 BE AMENDED failed 1-10 by roll call vote with SEN. ESP voting aye. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted no by proxy.**

Vote: **Motion that SB 167 DO PASS carried 10-1 by voice vote with SEN. ESP voting no. SEN. MOSS, SEN. O'NEIL, SEN. SHOCKLEY, and SEN. WHEAT voted aye by proxy.**

ADJOURNMENT

Adjournment: 6:51 P.M.

_____
SEN. JEFF MANGAN, Chairman

_____
JENNIFER KIRBY, Secretary

JM/jk

Additional Exhibits:

EXHIBIT(los39aad0.PDF)

Senate Local Govt. Comm.
Exhibit No. 14
Date Feb. 17, 2005
Bill No. SB 350

MISSOULA

OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 258-4614 • FAX: (406) 327-2105
EMAIL: attorney@ci.missoula.mt.us

February 17, 2005

Re: SB 350 providing that divisions of land that are exempt from review as subdivisions are subject to applicable local zoning regulations

Honorable State Senators:

SB 350 is requested in order to provide a statutory standard or guideline for subdivision exemption pursuant to Mont. Code Ann. § 76-3-207 of the Montana Subdivision and Platting Act.

The introductory paragraph to Mont. Code Ann. § 76-3-207 provides:

> **76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions -- fees for examination of division.** (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions: (Emphasis added.)

The chapter referred to in the above quote is Title 76, chapter 3, the Montana Subdivision and Platting Act. Zoning is not a subdivision regulation. Zoning regulations are distinctly different from subdivision regulations.

The Montana Supreme Court held in Hampton v. Lewis & Clark County, 2001 MT 81, 305 Mont. 103, 23 P.3d 908:

> ...Under § 76-3-207(1), the Legislature has provided a caveat to the various "divisions of land" exemptions to subdivision review that a party may claim. The statute provides that "unless the method of disposition is adopted for the purpose of evading this chapter" the listed divisions of lands are not subdivisions. There are no statutory guidelines or standards--let alone imposed affirmative duties--for how the determination of an "evasion" must be made by a county in either accepting or rejecting a certificate of survey with a claimed exemption....
> The Hamptons have not presented any authority establishing an affirmative duty on the County to analyze or investigate an exemption claimed under § 76-3-207(1), MCA, beyond the steps taken here--that is, to accept for review a certificate of survey or other evidence establishing the claimed exemption. The Hamptons have not presented any authority, for example, that the County *shall* conduct a hearing, or *shall* gather evidence above and beyond the certificate of survey, to test for any "evasion" of subdivision review where a property owner divides his or her land and claims an exemption under § 76-3-207(1), MCA. Likewise, there is no indication here that any sort of defined threshold of evidence must be met in order for the County to accept a claimed exemption. (Emphasis added.)

SB 350 provides that compliance with zoning regulations would be a statutory standard for utilization of subdivision exemptions identified in Mont. Code Ann. § 76-3-207.

Sincerely,

OFFICE OF THE CITY ATTORNEY

Jim Nugent
City Attorney

cc: Missoula County Senators; Mike Kadas, Mayor; City Council; Janet Stevens, CAO; Alec Hansen, Montana League of Cities & Towns; Cindy Klette, OPG Director

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER M/F/V/H

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

LOCAL GOVERNMENT

DATE 02-17-2005

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JEFF MANGAN (D), CHAIRMAN	X		
SEN. BOB HAWKS (D), VICE CHAIRMAN	X		
SEN. JOHN ESP (R)	X		
SEN. KELLY GEBHARDT (R)	X		
SEN. KIM GILLAN (D)	X		
SEN. RICK LAIBLE (R)	X		
SEN. LYNDA MOSS (D)	X		
SEN. JERRY O'NEIL (R)	X		
SEN. JIM SHOCKLEY (R)	X		
SEN. CAROLYN SQUIRES (D)	X		
SEN. MICHAEL WHEAT (D)	X		
LEANNE KURTZ, LSD	X		
JEN KIRBY, COMMITTEE SECRETARY	X		

SENATE STANDING COMMITTEE REPORT

February 18, 2005

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 350** (first reading copy -- white) **do pass.**

Signed: _____
Senator Jeff Mangan, Chair

- END -

Committee Vote:
Yes 11, No 0.

400916SC.ssc

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 370** (first reading copy -- white) **do pass.**

Signed: _____
Senator Jeff Mangan, Chair

- END -

Committee Vote:
Yes 7, No 4.

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 458** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jeff Mangan, Chair

And, that such amendments read:

1. Title, line 6.
Following: "OF THE"
Insert: "WRITTEN"

2. Page 1, line 24.
Following: "use"
Insert: ","
Following: "construction"
Insert: ","

3. Page 1, line 25.
Following: "the"
Insert: "written"

- END -

Committee Vote:
Yes 11, No 0.

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 301** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jeff Mangan, Chair

And, that such amendments read:

1. Title, line 7.
Following: "LEVIES;"
Insert: "CHANGING THE CONTENTS OF THE PROPERTY TAX NOTICE;"

2. Title, line 9.
Following: "7-21-3410,"
Insert: "15-16-101,"

3. Page 7, line 6.
Insert: "Section 14. Section 15-16-101, MCA, is amended to read:
"**15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:
(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;
(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the

Committee Vote:
Yes 11, No 0.

delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

~~(iii) the value of each mill in that county;~~

~~(iv)~~ (iii) itemized city services and special improvement district assessments collected by the county;

~~(v)~~ (iv) the number of the school district in which the property is located; and

~~(vi)~~ (v) the amount of the total tax due that is levied as city tax, county tax, state tax, school district tax, and other tax.

(b) If the property is the subject of a tax sale for which a tax sale certificate has been issued under 15-17-212, the notice must also include, in a manner calculated to draw attention, a statement that the property is the subject of a tax sale and that the taxpayer may contact the county treasurer for complete information.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection ~~(2)(a)(iv)~~ (2)(a)(iii) ready for mailing.

(4) The notice in every case must be published once a week for 2 weeks in a weekly or daily newspaper published in the county, if there is one, or if there is not, then by posting it in three public places. Failure to publish or post notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.""

Renumber: subsequent sections

- END -

SENATE STANDING COMMITTEE REPORT

February 18, 2005

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 167** (first reading copy -- white) **do pass.**

Signed: _____
Senator Jeff Mangan, Chair

- END -

Committee Vote:
Yes 10, No 1.

400923SC.ssc

COMMITTEE FILE COPY

TABLED BILL

The **SENATE LOCAL GOVERNMENT COMMITTEE** TABLED **SB 237, SB 253, SB 309, SB 382**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

10:00, 2-18
(Time) (Date)

February 17, 2005 Jennifer Kirby, Secretary Phone: 444-4440

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

LOCAL GOVERNMENT

DATE 02.17.2005 **BILL NO.** SB 370 **NUMBER** _____

MOTION Do Pass

NAME	AYE	NO
SEN. JEFF MANGAN (D), CHAIRMAN	X	
SEN. BOB HAWKS (D), VICE CHAIRMAN	X	
SEN. JOHN ESP (R)		X
SEN. KELLY GEBHARDT (R)	X	
SEN. KIM GILLAN (D)	X	
SEN. RICK LAIBLE (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JERRY O'NEIL (R)		X
SEN. JIM SHOCKLEY (R)		X
SEN. CAROLYN SQUIRES (D)	X	
SEN. MICHAEL WHEAT (D)	X	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

LOCAL GOVERNMENT

DATE 02.17.2005 **BILL NO.** SB237 **NUMBER** _____

MOTION Do Pass as Amended

NAME	AYE	NO
SEN. JEFF MANGAN (D), CHAIRMAN		X
SEN. BOB HAWKS (D), VICE CHAIRMAN		X
SEN. JOHN ESP (R)	X	
SEN. KELLY GEBHARDT (R)		X
SEN. KIM GILLAN (D)		X
SEN. RICK LAIBLE (R)	X	
SEN. LYNDA MOSS (D)		X
SEN. JERRY O'NEIL (R)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. CAROLYN SQUIRES (D)		X
SEN. MICHAEL WHEAT (D)		X

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

LOCAL GOVERNMENT

DATE 02.17.2005 **BILL NO.** SB 382 **NUMBER** _____

MOTION Do Pass

NAME	AYE	NO
SEN. JEFF MANGAN (D), CHAIRMAN		X
SEN. BOB HAWKS (D), VICE CHAIRMAN		X
SEN. JOHN ESP (R)	X	
SEN. KELLY GEBHARDT (R)		X
SEN. KIM GILLAN (D)		X
SEN. RICK LAIBLE (R)	X	
SEN. LYNDA MOSS (D)		X
SEN. JERRY O'NEIL (R)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. CAROLYN SQUIRES (D)		X
SEN. MICHAEL WHEAT (D)		X

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

LOCAL GOVERNMENT

DATE 02.17.05 **BILL NO.** SB 253 **NUMBER** _____

MOTION TO TABLE

NAME	AYE	NO
SEN. JEFF MANGAN (D), CHAIRMAN	X	
SEN. BOB HAWKS (D), VICE CHAIRMAN	X	
SEN. JOHN ESP (R)	X	
SEN. KELLY GEBHARDT (R)		X
SEN. KIM GILLAN (D)	X	
SEN. RICK LAIBLE (R)	X	
SEN. LYNDA MOSS (D)	X	
SEN. JERRY O'NEIL (R)		X
SEN. JIM SHOCKLEY (R)	X	
SEN. CAROLYN SQUIRES (D)		X
SEN. MICHAEL WHEAT (D)	X	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

LOCAL GOVERNMENT

DATE 02.17.2005 **BILL NO.** SB167 **NUMBER** _____

MOTION AMEND SB167 WITH SB0167 01.AHL

NAME	AYE	NO
SEN. JEFF MANGAN (D), CHAIRMAN		X
SEN. BOB HAWKS (D), VICE CHAIRMAN		X
SEN. JOHN ESP (R)	X	
SEN. KELLY GEBHARDT (R)		X
SEN. KIM GILLAN (D)		X
SEN. RICK LAIBLE (R)		X
SEN. LYNDA MOSS (D)		X
SEN. JERRY O'NEIL (R)		X
SEN. JIM SHOCKLEY (R)		X
SEN. CAROLYN SQUIRES (D)		X
SEN. MICHAEL WHEAT (D)		X

PROXY VOTE

I, the undersigned, hereby authorize Senator Esp [redacted] to

vote my proxy on any issue before the Senate Local Government

Committee held on Feb., 2005.

SB 370 NO
~~SB 237 Amendment~~
SB 237 As Amended Yes
SB 237 Table and recerse Aye
DoPass SB 382 Yes.
Table SB 309 No
Table SB 253 NO
SB 382
DoPass SB ~~358~~ Yes

Amendmt SB 301 Aye
DoPass SB 301 Aye
Amendmt SB 167 Aye
SB 167 Aye.

[redacted]
SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator _____ to

vote my proxy on any issue before the Senate _____

Committee held on _____, 2005.

SB 351, 370, 327, 382, 309, 253, 301, 458, 167

_____
SENATOR
STATE OF MONTANA

Moss

PROXY VOTE

LIABLE

I, the undersigned, hereby authorize Senator LIABLE to

vote my proxy on any issue before the Senate Local Govt

Committee held on 17 Feb 05, 2005.

SB458 – NO

SB 382 – NO

SB 350 – YES

Amend YES → SB 237 – NO

SB370 – NO 7-4

SB-309 YES to TABLE

SB-253 YES to TABLE

SB-458 AMEND. Y

SB-301 Bill Amend Y

Bill- Y

SENATOR

STATE OF MONTANA

SB-167 Amend- N

SB-167 Bill- 10-1

PROXY VOTE

I, the undersigned, hereby authorize Senator MANGAN to vote my proxy on any issue before the Senate LOCAL GOV'T Committee held on 2/17/2005, 2005.

SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB. 237, SB 350, SB 370, SB 382, SB 458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Raymond Glendenning	442-1199	AFSCME Council 9	SB 370	✓	
FRED BODHOLT	829-3956	SAVE OUR Neighborhoods	SB 350	✓	
JERRY BALLAS	549-1678	Missoula City Council	SB350	✓	
KATHY FRAME	758-5687	FLAT. CO SHERIFF	SB370	✓	
BRIAN FRAME	837-5024	SELF	SB370	✓	
Sgt. L.D. Gross	837-6800	FLAT. CO SHERIFF	SB 370	✓	
Sgt Jamie Young	388-5467	Gallatin County	SB 370	✓	
Edwin E. Blackler	837-5196	Flathead County	SB370	✓	
DAVE WALSH	752-4590	Flathead County	SB 370	✓	
Rick Lowe	582-2132	Gallatin Co.	SB 370	✓	
Heidi Hirsch	582-2132	Gallatin Co.	SB370	✓	
DAVID W. MITCHELL	258-4019	DOA/MC	SB370	✓	
Sheenagh Lee	377-7209	Self	SB370	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB, 350, SB370, SB382, SB458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
ta TYNRAK	587-8375	Gallatin Co & Self	SB370	✓	
Dave Castle	454-6820	Cascade Co. Sheriff	SB370	✓	
NELLISON	454-683	Cascade County Sheriff	SB 370	✓	
om Kinser	254-7982	Yellowstone City Sheriff	SB 370	✓	
McCord	256-6900	Yellowstone City Sheriff	SB370	✓	
HELL	582-2125	GALLATIN CO. SHERIFF	SB370	✓	
Hunz	258-3302	Missoula Co Sheriff	SB370	✓	
th	756-1888	Flathead Co. Sheriff	SB370	✓	
SON	431-6657	LABORERS UNION	SB370	✓	
EL	721-0300	DEPT. OFF HEALTH OF MISSOULA CO	SB370	✓	
	721-5229	MISSOULA	SB370	✓	
	543 7952	Missoula	SB 350	✓	
	252-3671	Yellowstone CO.	SB350	✓	
			SB370	✓	

EAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB350, SB370, SB382, SB458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Doug Adams	862-1101	City of Whitefish	237	✓	
Erik Garberg	862-8566	City of Whitefish	237	✓	
Gary Marks	863-2400	City of Whitefish	237	✓	
Dave Landsdown	539-5943	Gallatin County	370	✓	
Johnny Rogers	861-5487	Yellowstone County	370	✓	
Jerry Balas	549-1675	Architect	237		✓
Jim Nugent	258-4613	City of Missoula	SB350	✓	
Jim Nugent	258-4613	City of Missoula	SB382		✓
Jim Nugent	258-4613	City of Missoula	SB458	✓	
Steve Pilcher	442-3420	MT Stockgrowers	SB382	✓	
Don Judge	459-1708	Teamsters Local 190	SB370		
Kelly Jenkins	444-3714	PER Board	SB370		X
Brian Gootkin	582-7131	Gallatin CSO	SB370	✓	

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MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB 350, SB 370, SB382, SB 458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Terry Teichrow		PERB	370		X
Jim Smith		Sheriff's Assoc	370	✓	
Ed Tinsley		L+C Cty.	350	✓	
Mike Harris	5E17557	Gall. County	370	✓ See w.s.	
Bill Grant	4383888	MT AIA	237		X
Susan Bjerke	443-5801	Arch. Soc. of Helena	237		✓
Sen John Brueggeman	444-4640	SDC	237	✓	
KAREN LAGG	656-6389	HKM/self	237		✓
BRENT CAMPBELL	728-4611	WGM/SELF	237		X
JAY SKOOG	443-1160	ACEC-Montana	237		X
Jolie Shewman	495-3428	ASCE - Montana	237		X
Tammy McGill		Montana Assoc	350	X	
Ross Katherman	444-3104	STATE A&E DIV	237	INFO	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE Feb. 17, 2005

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY SB237, SB350, SB370, SB382, SB458

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Rodger Foster	443-4606	Morrison Maierle/self	SB237		X
Jim Kembel	439-6791	AIA Montana MARLS	SB237		X
Dave Zahller	761-3010	Thomas, Dean & Hoskins	SB237		X
Jim Kembel	439-6791	MARLS	SB237		X
Alec Hansen	442 8768	Cities	350 382 458	X	
M. S. KAKUK	443-7788	MT Assc. Realtors	SJ 458	INFO	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Ed Tinsley, Lewis + Clark County Commissioner

ADDRESS PO Box 1724 Helena 59624

HOME PHONE: 443-7126 WORK PHONE: 447-8302

REPRESENTING L+C County

APPEARING ON WHICH PROPOSAL ? SB 350

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

On behalf of Lewis and Clark County we strongly support ~~this~~ passage of this bill. It only makes sense and is one more tool in the toolbox of local government to ensure good planning.

Ed Tinsley

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE

+++++ WITNESS STATEMENT +++++

NAME Michael Harris

ADDRESS 311 West Main Room 304

HOME PHONE: 581 7357 **WORK PHONE:** _____

REPRESENTING Gallatin County

APPEARING ON WHICH PROPOSAL ? SB 370

DO YOU: **SUPPORT** X **OPPOSE** _____ **AMEND** _____

COMMENTS:

Gallatin County Commission has reviewed and supports SB 370. the provisions will be a short term financial impact to the county but will be a future financial savings to the county through retention and cost savings trough training of new officers.

we ask a do pass for this bill.

Thanks

Mike Harris

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

PRESENTED TO SENATE LOCAL GOVERNMENT
February 17, 2005
Detention Officers Association of Missoula County

The Forgotten Cop
(Author Unknown)

What would the average citizen say if it were proposed that Police Officers be assigned to a neighborhood which was inhabited by no one but criminals and those Officers would be unarmed, patrol on foot and be heavily out numbered? I wager that the overwhelming public response would be that the Officers would have to be crazy to accept such an assignment. However as you read this such a scenario is being played out in all areas of the country.

We are Correctional Officers. Not Guards (who are people that watch school crossings). We work at minimum, medium, and maximum security Correctional Facilities. We are empowered by the State to enforce its Penal Laws, rules, and regulations of the Department of Correctional Services. In short we are Policemen. Our beat is totally inhabited by convicted felons who, by definition, are people who tend to break laws, rules, and regulations. We are out numbered by as many as 50 to 1 at various times of our work day and contrary to popular belief, we work without a side arm. In short, our necks are on the line every minute of every day.

A Correctional Facility is a very misunderstood environment. The average person has very little knowledge of it's workings. Society sends it's criminals to Correctional Facilities and as time passes, each criminal's crime fades from our memory until the collective prison population becomes a horde of bad people being warehoused away from decent society in a place where they can cause no further harm. There is also the notion that prison inmates cease to be a problem when they are incarcerated.

Correctional Facilities are full of violence perpetrated by the prison population against the prison population and facility staff. Felonies are committed daily but are rarely reported. They are called "unusual incidents" and rarely result in criminal prosecution. Discipline is handled internally and, as a rule, the public is rarely informed of these crimes. In the course of maintaining order in these facilities, many Officers have endured the humiliation of having urine and feces thrown at them. Uncounted Correctional Officers have been kicked, bitten, stabbed and slashed with home made weapons, taken hostage, murdered and even raped in the line of duty, all while being legally mandated to maintain their Professional Composure and refraining from any retaliation which could be the basis for dismissal from service.

In addition to these obvious dangers, Correctional Officers face hidden dangers in the form of AIDS, Tuberculosis, Hepatitis B and C. Courts are now imposing longer sentences and the prison population is increasing far beyond the systems designated capacity. As the public demands more police on the street, governments everywhere are cutting police in prison where violence reins supreme, jeopardizing all those working behind prison walls.

Although you will never see us on "911" or "Top Cops" we are Law Enforcement Professionals. We are the "FORGOTTEN COP," hidden from public view, doing a dangerous beat, hoping someday to receive the respect and approval from the public who "WE SILENTLY SERVE."

SENATE JOURNAL
59TH LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2005 — State Capitol

Senate convened at 12:00 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: O'Neil, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 2/18/2005
Correctly printed: **SB 43**, **SB 167**, **SB 174**, **SB 350**, **SB 370**, **SB 407**, **SB 423**, **SB 428**, **SB 443**, **SB 459**, **SB 462**, **SB 501**, **SB 502**, **SB 503**, **SB 504**, **SB 505**, **SJR 15**, **SJR 16**, **SJR 24**.
Correctly engrossed: **SB 301**, **SB 353**, **SB 371**, **SB 378**, **SB 385**, **SB 388**, **SB 401**, **SB 402**, **SB 405**, **SB 426**, **SB 429**, **SB 447**, **SB 454**, **SB 458**, **SB 465**, **SB 487**.
Examined by the sponsor and found to be correct: **SB 60**.
Signed by the Speaker at 11:56 a.m., February 18, 2005: **SB 60**.
Signed by the President at 12:05 p.m., February 18, 2005: **SB 60**.
Signed by the Secretary of the Senate at 10:30 a.m., February 18, 2005: **SB 60**.
Delivered to the Governor for approval at 3:20 p.m., February 18, 2005: **SB 60**.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 2/18/2005
SB 388, introduced bill, be amended as follows:

1. Page 1, line 22.
Strike: "Except" through "if"
Insert: "If"

2. Page 1, lines 23 through 24.
Strike: "that" on line 23 through "adjusters" on line 24

3. Page 1, line 26 through line 27.
Strike: subsection (b) in its entirety
Renumber: subsequent subsection

4. Page 1, line 28.
Following: "provide"
Insert: ", without prejudice or bias,"

5. Page 2, line 1.
Strike: "reasonably"

6. Page 2, line 2.
Strike: "reasonable"

7. Page 2, line 4 through line 5.
Strike: "and" on line 4 through "condition" on line 5
Insert: "that meet industry standards"

And, as amended, do pass. Report adopted.

SB 443, do pass. Report adopted.
SB 454, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "PROVIDING"
Insert: "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 4.
Following: line 22
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Toole, Chairman): 2/18/2005
SB 371, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DATE;"
Insert: "DEFINING THE TERM "RENEWABLE RESOURCE";"

2. Title, page 1, line 6.
Following: "UTILITY'S"
Strike: "MINIMUM"
Following: "REQUIREMENT"
Insert: "FOR LOW-INCOME ENERGY ASSISTANCE; INCREASING A LARGE CUSTOMER'S ANNUAL FUNDING REQUIREMENT FOR LOW-INCOME ENERGY ASSISTANCE"

3. Title, page 1, line 7 through line 9.
Strike: "IMPROVING" on line 7 through "CREDITS;" on line 9
Insert: "REQUIRING UTILITIES TO PUBLISH A PLAN THAT DESCRIBES UNIVERSAL SYSTEM BENEFITS PROGRAMS; REVISING THE UNIVERSAL SYSTEM BENEFITS PROGRAM CREDIT REVIEW PROCESS;"

4. Title, page 1, line 10.
Following: "RULES"
Insert: "FOR ELECTRIC UNIVERSAL SYSTEM BENEFITS PROGRAMS; PROVIDING THE PUBLIC SERVICE COMMISSION WITH RULEMAKING AUTHORITY OVER NATURAL GAS UNIVERSAL SYSTEM BENEFITS PROGRAM REPORTING REQUIREMENTS; REQUIRING THE PUBLIC SERVICE COMMISSION TO ADOPT A RATE FOR NATURAL GAS UNIVERSAL SYSTEM BENEFITS PROGRAMS"

5. Title, page 1, line 12 through line 13.
Strike: "CONDUCT" on line 12 through "CUSTOMERS" on line 13
Insert: "SUBMIT AN ANALYSIS OF LOW-INCOME ENERGY ASSISTANCE PROGRAMS AND CUSTOMER NEEDS TO THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; EXPANDING THE ALLOWABLE UNIVERSAL SYSTEM BENEFITS PROGRAM CREDITS FOR LARGE CUSTOMERS; ESTABLISHING A SUNSET FOR MARKET TRANSFORMATION; CHANGING THE BASE YEAR FOR UNIVERSAL SYSTEM BENEFITS PROGRAM CHARGE RATES; PROVIDING THAT IF A UTILITY'S INTERNAL PROGRAMS DO NOT SATISFY ANNUAL FUNDING PROVISIONS, THEN THE UTILITY SHALL MAKE A PAYMENT INTO A STATE SPECIAL REVENUE ACCOUNT FOR THE DIFFERENCE; REVISING UTILITY AND LARGE CUSTOMER UNIVERSAL SYSTEM BENEFITS PROGRAM REPORTING REQUIREMENTS"

6. Title, page 1, line 14.
Following: "69-8-403,"
Insert: "69-8-412,"

7. Page 1, line 18 through page 19, line 11.
Strike: everything after the enacting clause
Insert: "**Section 1.** Section 69-3-1402, MCA, is amended to read:

"**69-3-1402. Definitions.** As used in this part, the following definitions apply:

(1) "Customer" means a natural gas customer or consumer of natural gas supply or natural gas transmission facilities, storage facilities, or distribution facilities.

(2) "Distribution facilities" means those facilities that are not transmission facilities:

(a) by and through which natural gas is received from a transmission services provider and transmitted to the customer; and

(b) operated by a distribution services provider.

(3) "Distribution services provider" means a person controlling or operating distribution facilities for distribution of natural gas to the public.

(4) "Natural gas supplier" means a person, including aggregators, market aggregators, brokers, and marketers, licensed by the commission that is offering to sell natural gas to retail customers in the state of Montana.

(5) "Natural gas utility" means a utility regulated by the commission on May 2, 1997, that provides natural gas services to the public.

(6) "Open access" means that a natural gas utility has made its transmission facilities, storage facilities, or distribution facilities available to all natural gas suppliers, transmission services providers, distribution services providers, and customers on a nondiscriminatory and comparable basis.

(7) "Performance-based ratemaking" means those forms of regulation that include but are not limited to the use of revenue indexing, price indexing, ranges of authorized return, gas cost indexing, and innovative use of utility-related assets and activities, such as system sales of excess natural gas supplies, release of upstream pipeline capacity, and performance of billing services for other natural gas suppliers. A performance-based regulation may also include a mechanism for automatic annual adjustments of revenue to prices to reflect changes in any index adopted for the implementation of the performance-based form of regulation.

(8) "Storage facilities" means those facilities that are owned, controlled, or operated by a person offering storage service for natural gas and generally means any underground reservoir suitable for the storage of natural gas and the facilities used to inject and withdraw natural gas into and out of that underground reservoir.

(9) "Transition costs" means:

(a) a natural gas utility's net, verifiable production- and gathering-related costs, including costs of capital, that become unrecoverable as a result of customer choice and open access. These costs include but are not limited to:

(i) regulatory assets and deferred charges that exist as a result of current regulatory practices and that may be accounted for up to the point in time that the commission issues a final order in a docket addressing transition costs, including all costs, expenses, and fees related to the issuance of transition bonds;

(ii) the above-market costs associated with existing gas supply commitments;

(iii) other natural gas utility investments rendered uneconomic as a result of implementation of customer choice and open access;

(iv) the costs associated with renegotiation or buyout of existing natural gas purchase contracts; and

(v) the costs associated with the issuance of any related transition bonds authorized by the commission pursuant to 69-3-1403.

(b) the costs of refinancing or retiring debt or equity capital of the natural gas utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

(10) "Transmission facilities" means those facilities owned, controlled, and operated by a transmission services provider that are used to transport natural gas from a gathering line or storage facility to a distribution facility, storage facility, or end-use customer.

(11) "Transmission services provider" means a person controlling or operating transmission facilities.

(12) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits program costs.

(13) "Universal system benefits programs" means public purpose programs for cost-effective local energy conservation~~, low-income weatherization, and low-income energy bill assistance~~ and for the purposes provided in the Montana energy assistance program, as described in [section 9]."

Insert: "Section 2. Section 69-3-1408, MCA, is amended to read:

"69-3-1408. Universal system benefits programs -- establishing nonbypassable rate. (1) A natural gas utility shall implement, upon commission approval, ~~a~~ universal system benefits ~~program that considers existing universal system benefits programs in the state~~ programs that take into account:

(a) historic levels of funding by the utility for universal system benefits programs;

(b) the needs of the utility's low-income natural gas customers;

(c) the impact of universal system benefits program funding obligations on all customers;

(d) appropriate allocations within and between the authorized universal system benefits programs; and

(e) any other factors the commission considers necessary.

(2) The commission shall establish a universal system benefits charge that either all natural gas transmission services providers or all distribution services providers, or both, in the state of Montana shall charge to all end-use customers, taking into consideration ~~the current level of expenditure by the natural gas utility~~, among other factors, appropriate levels of funding for universal system benefits programs, impacts on ratepayers, existing universal system benefits programs in the state, cost-effectiveness, and similar costs imposed in other states. The method of assessing those rates may not disproportionately burden a large transmission services provider's customers. Within the universal system benefits charge, a natural gas utility's annual funding requirement for ~~low-income weatherization and low-income energy bill assistance~~ the Montana energy assistance program, as provided for in [section 9], is established ~~at 0.42% of a natural gas utility's annual revenue~~ by the commission at a percentage of revenue that reflects:

(a) the historic level of spending for the programs for each natural gas utility; and

(b) the impact of universal system benefits program funding obligations on all customers.

(3) A natural gas utility must receive credit for its internal programs or activities that qualify as universal system benefits programs.

~~(3)~~(4) ~~On or before July 1, 2002, the commission shall conduct a reevaluation of the ongoing need for universal system benefits programs and annual funding requirements and shall make recommendations to the 58th legislature regarding the future need for universal system benefits programs. The determination should focus specifically on the existence of markets to provide for any of the universal system benefits programs or on whether other means for funding those universal system benefits programs have developed. These recommendations may also address how future reevaluations will be provided, if necessary.~~ The commission shall adopt rules establishing requirements for a natural gas utility's reporting of activities and expenditures funded by the natural gas universal system benefits charge for local conservation programs and the Montana energy assistance program."

Insert: "Section 3. Section 69-8-102, MCA, is amended to read:

"69-8-102. Legislative findings and policy. The legislature finds and declares the following:

(1) The generation and sale of electricity is becoming a competitive industry.

(2) Montana customers should have the freedom to choose their electricity supply and related services in accordance with this chapter. Affording this opportunity serves the public interest.

(3) The interests of small Montana consumers must be protected through the provision of adequate and reliable default supply service at the lowest long-term total cost.

(4) The financial integrity of electrical utilities must be fostered.

(5) The public interest requires the continued protection of consumers through:

(a) licensure of electricity suppliers;
(b) provision of information to consumers regarding electricity supply service;
(c) provision of a process for investigating and resolving complaints;
(d) continued funding for public purpose programs for:
(i) cost-effective local energy conservation;
(ii) low-income customer weatherization;
(iii) renewable resource projects and applications;
(iv) research and development programs related to energy conservation and renewables;
(v) market transformation programs until December 31, 2010; and
(vi) low-income energy assistance;
(e) establishment of a Montana energy assistance program, as described in [section 9];
~~(e)~~(f) assurance of service reliability and quality; and
~~(f)~~(g) prevention of anticompetitive and abusive activities.

(6) A utility in the state of Montana may not be advantaged or disadvantaged in the competitive electricity supply market, including the consideration of the existence of universal system benefits programs and the comparable level of funding for those programs throughout the regions neighboring Montana.""

Insert: "Section 4. Section 69-8-103, MCA, is amended to read:

"69-8-103. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Aggregator" or "market aggregator" means an entity, licensed by the commission, that aggregates retail customers, purchases electrical energy, and takes title to electrical energy as an intermediary for sale to retail customers.

(2) "Assignee" means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility's interest in or right to transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee's interest in or right to transition property.

(3) "Board" means the board of investments created by 2-15-1808.

(4) "Broker" or "marketer" means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electrical energy but that does not take title to electrical energy.

(5) "Cooperative utility" means:
(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or
(b) an existing municipal electric utility as of May 2, 1997.

(6) "Customer" or "consumer" means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail electric customer or consumer with a single individual load.

(7) "Customer-generator" means a user of a net metering system.

(8) "Default supplier" means a distribution services provider of a utility that has restructured in accordance with this chapter.

(9) "Default supply service" means the provision of electricity supply by a default supplier.

(10) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

(11) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

(12) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(13) "Electricity supply costs" means the actual costs of providing default supply service, including but not limited to:
(a) capacity costs;
(b) energy costs;
(c) fuel costs;
(d) ancillary service costs;
(e) demand-side management and energy efficiency costs;
(f) transmission costs, including congestion and losses;
(g) billing costs;
(h) planning and administrative costs; and
(i) any other costs directly related to the purchase of electricity, management of default electricity supply costs, and provision of default supply and related services.

(14) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed transition amounts and the issuance of transition bonds.

(15) (a) "Fixed transition amounts" means those nonbypassable rates or charges, including but not limited to:

(i) distribution;

(ii) connection;

(iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and of acquiring transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the transition cost recovery period is modified by the transactions approved in the financing order.

(16) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

(17) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

(18) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

(19) "Local governing body" means a local board of trustees of a rural electric cooperative.

(20) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

(21) "Net metering" means measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

(22) "Net metering system" means a facility for the production of electrical energy that:

(a) uses as its fuel solar, wind, or hydropower;

(b) has a generating capacity of not more than 50 kilowatts;

(c) is located on the customer-generator's premises;

(d) operates in parallel with the distribution services provider's distribution facilities; and

(e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(23) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of transition costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.

(24) "Pilot program" means an experimental program using a select set of small customers to assess the potential for developing and offering customer choice of electricity supply to small customers in the future.

(25) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.

(26) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.

(27) "Renewable resource" means the production of electricity from any of the following sources:

(a) wind;

(b) solar;

(c) geothermal;

(d) water power derived from a hydroelectric project with a nameplate rating of 1 megawatt or less or a hydroelectric project that does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less;

(e) landfill gas;

(f) gas produced during the treatment of wastewater;

(g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that low-emission, nontoxic biomass does not include wood pieces that have been treated with chemical preservatives, such as creosote, pentachlorophenol, or copper-chroma-arsenic; or

(h) hydrogen derived from any of the sources described in subsections (27)(a) through (27)(g) for use in fuel cells.

~~(27)~~(28) "Small customer" means a residential customer or a commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than 50 kilowatts or a new residential or commercial customer with an estimated average monthly demand of less than 50 kilowatts of a public utility that has restructured pursuant to Title 35, chapter 19, or this chapter.

~~(28)~~(29) "Transition bondholder" means a holder of transition bonds, including trustees, collateral agents, and

other entities acting for the benefit of that bondholder.

~~(29)~~(30) "Transition bonds" means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other transition bonds issuer that is secured by or payable from fixed transition amounts or transition property. Proceeds from transition bonds must be used to recover, reimburse, finance, or refinance transition costs and to acquire transition property.

~~(30)~~(31) "Transition charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of transition costs.

~~(31)~~(32) "Transition cost recovery period" means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of transition costs.

~~(32)~~(33) "Transition costs" means:

(a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;

(b) those costs that include but are not limited to:

(i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan and conservation investments made prior to universal system benefits charge implementation;

(ii) nonutility and utility power purchase contracts executed before May 2, 1997, including qualifying facility contracts;

(iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;

(iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing transition bonds; and

(v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

~~(33)~~(34) "Transition period" means the period ending July 1, 2027.

~~(34)~~(35) "Transition property" means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of transition bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed transition amounts that are the subject of a financing order, including those nonbypassable rates and other charges and fixed transition amounts that are authorized by the commission in the financing order to recover transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and acquiring transition property, including the costs of issuing, servicing, and retiring transition bonds. Any right that a utility has in the transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

~~(35)~~(36) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

~~(36)~~(37) "Transmission services provider" means an entity controlling or operating transmission facilities.

~~(37)~~(38) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

~~(38)~~(39) "Universal system benefits programs" means public purpose programs for:

(a) cost-effective local energy conservation;

(b) the Montana energy assistance program, as established in [section 9], composed of low-income customer ~~weatherization~~ energy and weatherization assistance;

(c) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;

(d) research and development programs related to energy conservation and renewables; and

(e) market transformation designed to encourage competitive markets for ~~public purpose~~ universal system benefits programs~~; and~~

~~(f) low-income energy assistance~~.

~~(39)~~(40) "Utility" means any public utility or cooperative utility.""

Insert: "Section 5. Section 69-8-402, MCA, is amended to read:

"69-8-402. Universal system benefits programs. (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and ~~low-income energy assistance~~ the Montana energy assistance program.

(2) (a) Beginning January 1, 1999, through December 31, 2005, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis ~~in 1999~~, the commission

shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. ~~These universal system benefits charge rates must remain in effect through December 31, 2005.~~

(b) (i) Subject to the recalculation in subsection (2)(b)(ii), beginning January 1, 2006, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 2004, is established as the funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 2006, the commission shall establish rates for utilities subject to its jurisdiction and the local governing board of cooperatives shall establish rates for cooperatives.

(ii) Beginning with the 4-year period that begins January 1, 2006, the funding level must be recalculated once every 4 calendar years. For the initial 4-year period, the funding level must be recalculated based on 2.4% of each utility's annual retail sales revenue in Montana for the calendar year concluding on December 31, 2008. The funding level must be recalculated on December 31 of the second year of each succeeding 4-year period based on 2.4% of each utility's annual retail sales revenue in Montana for that calendar year. The commission and the local governing body of cooperatives shall reestablish rates to go into effect on January 1, 2010, and on January 1 of each succeeding fourth calendar year in order to collect the adjusted funding level.

~~(a)~~(c) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

~~(b)~~(d) Except as provided in subsections (5)(c) and (6)(c), but subject to subsection (2)(g), a ~~A~~ utility must receive credit toward annual funding requirements for the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance~~, and for large customers' programs or activities as provided in subsection (7)~~. The department of revenue shall review claimed credits or activities of the utilities and large ~~customers~~ customers' expenditures and activities pursuant to 69-8-414.

~~(c)~~(e) A utility's distribution services provider at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.

~~(d)~~(f) A customer's distribution services provider shall collect universal system benefits funds ~~less any allowable credits~~.

~~(e)~~(g) For a utility to receive credit for ~~low-income-related~~ universal system benefits programs expenditures, the activity must have taken place in Montana.

~~(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.~~

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs provided that the required allocation funding for the Montana energy assistance program pursuant to subsection (6)(a) is met on an annual basis ~~and low-income energy assistance~~.

(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) (a) ~~A~~ Except as provided in 69-8-403(8)(c), a public utility's ~~minimum~~ annual funding requirement for ~~low-income energy and weatherization assistance~~ the Montana energy assistance program is established at ~~17%~~ 40% of the public utility's annual universal system benefits funding level ~~and is inclusive within the overall universal system benefits funding level~~.

~~(a)~~(b) ~~A~~ Except as provided in subsection (5)(c), a public utility must receive credit toward the public utility's ~~low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities~~ Montana energy assistance program activities.

(c) A public utility's Montana energy assistance program activities funded by large customers' allocations pursuant to subsection (8)(a) may not be used by the public utility to meet its annual Montana energy assistance program funding requirement pursuant to subsection (5)(a).

~~(b)~~(d) If a public utility's credit for ~~internal activities~~ Montana energy assistance program activities does not satisfy its annual funding requirement or if the public utility's Montana energy assistance program activities do not fully utilize the large customers' allocations pursuant to subsection (8)(a), ~~then~~ the public utility shall make a payment for any difference to the universal low-income energy assistance fund established in ~~69-8-412~~ 69-8-412(1)(b).

(6) (a) A cooperative utility's annual funding requirement for the Montana energy assistance program is established at a minimum of 30% of the cooperative utility's annual universal system benefits funding level.

(b) Except as provided in subsection (6)(c), a cooperative utility must receive credit toward the cooperative utility's Montana energy assistance program activities.

(c) A cooperative utility's Montana energy assistance program activities funded by large customers' allocations pursuant to subsection (8)(a) may not be used by the cooperative utility to meet its annual Montana energy assistance

program funding requirement pursuant to subsection (6)(a).

(d) If a cooperative utility's credit for Montana energy assistance program activities does not satisfy its annual funding requirement or if the cooperative utility's Montana energy assistance program activities do not fully utilize the large customers' allocations pursuant to subsection (8)(a), the cooperative utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412(1)(b).

(7) Except as provided in subsections (5)(d) and (6)(d), if a utility's credit for internal programs or activities does not satisfy the annual funding provisions of subsection (2), the utility shall make a payment to the universal system benefits fund established in 69-8-412(1)(a) for any difference.

~~(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.~~

~~(7)~~(8) (a) A large customer shall:

~~(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:~~

~~(A) $500,000, less the large customer credits provided for in this subsection (7); or~~

~~(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);~~

(i) on an annual basis, allocate a minimum of 30% of its total universal system benefits charge for that year for the Montana energy assistance program; and

(ii) inform the large customer's utility, no later than January 15 of the year following the year in which the large customer paid the applicable universal system benefits charge, of the amount of the charge that the large customer decides to allocate for the Montana energy assistance program.

(b) The large customer's utility shall use the large customer's allocation for the utility's Montana energy assistance program activities.

~~(ii)~~(c) ~~must~~ A large customer may receive ~~credit toward that large customer's~~ reimbursement from its utility of a portion of its universal system benefits charge for:

(i) internal expenditures and activities that qualify as ~~a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:~~

~~(A) expenditures~~ conservation measures that result in a reduction in the consumption of electrical energy in the large customer's facility or that result in a more efficient use of electricity at the large customer's facility; and

(ii) internal expenditures and activities that result in the production of electrical energy from renewable resources for use in the large customer's facility.

~~(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.~~

~~(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a~~

(d) If the amount of the reimbursement in any given calendar year, ~~that exceed~~ when combined with the allocation by the large customer under subsection (8)(a) exceeds that large customer's universal system benefits charge for ~~the~~ that calendar year, the excess constitutes ~~must be used as~~ a credit that may be used against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(e) Subsection (8)(d) does not limit a large customer's obligation to allocate a minimum of 30% of its total universal system benefits charge for that year for the Montana energy assistance program as required by subsection (8)(a).

(9) On or before March 1 of each year, a utility shall publish a plan that describes how the utility intends to implement universal system benefits programs for that year. The plan of a public utility must be submitted to the department of public health and human services, the commission, and the energy and telecommunications interim committee provided for in 5-5-230. The plan of a cooperative utility must be submitted to the department of public health and human services, the energy and telecommunications interim committee, the cooperative utility's respective local governing body, and the statewide cooperative utility office.

~~(8)~~(10) (a) On or before March 1 of each year, ~~A~~ a public utility shall prepare and submit ~~an annual summary~~ a report of the ~~public~~ utility's universal system benefits program activities for the prior calendar year. ~~relating to all universal system benefits programs~~ The report of a public utility must be submitted to the department of public health and human services, ~~to~~ the commission, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230.

(b) On or before March 1 of each year, a cooperative utility shall prepare and submit a report of the utility's universal system benefits program activities for the prior calendar year if that cooperative utility implemented universal system benefits program activities. The report of a cooperative utility must be submitted to the department of public health and human services, the department of revenue, the energy and telecommunications interim committee provided for in 5-5-230, and the cooperative utility's respective local governing body.

(c) On or before March 1 of each year, ~~A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and telecommunications interim committee. The~~ the statewide cooperative utility office shall prepare and submit ~~an annual summary~~ a report of ~~the~~ universal system benefits program activities of individual cooperative utilities that use the pooling provisions provided for in subsection (3), including ~~a summary of the pooling of statewide credits, as provided in~~ the calculations necessary to demonstrate compliance with subsection (3), to the department of public health and human services, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230.

(d) The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

~~(a)~~(i) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

~~(b)~~(ii) the level of funding for those programs relative to the annual funding requirements level prescribed in subsection (2); and

~~(c)~~(iii) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.

~~(9)~~(11) A utility ~~or large customer~~ filing for a credit shall develop and maintain appropriate documentation to support the utility's ~~or the large customer's~~ claim for the credit~~.~~ and the documentation must be made available to the public upon request, except to the extent that confidential information would be disclosed.

~~(10)~~(12) (a) A large customer ~~claiming credits for a calendar year~~ shall submit an annual ~~summary~~ report of its universal system benefits programs activities and expenditures and the allocation required by subsection (8)(a) to the department of revenue by March 1 of each year and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection ~~(10)(b)~~ (12)(b).

(b) If a large customer ~~claims a credit~~ receives a reimbursement for an expenditure or activity that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that ~~credits claimed by the large customer be first approved~~ the large customer's expenditures and activities first be approved as qualifying by the utility. If the utility approves the large ~~customer credit~~ customer's reimbursement, the utility may be financially responsible for any subsequent disallowance.

(c) A large customer seeking or having received a reimbursement shall develop and maintain appropriate documentation to support the large customer's claim. This documentation constitutes a public record to the extent that the documentation does not contain a trade secret as defined in 30-14-402 or is otherwise confidential.""

Insert: "Section 6. Section 69-8-403, MCA, is amended to read:

"69-8-403. Commission authority -- rulemaking authority. (1) Beginning on the effective date of a commission order regarding a public utility's transition plan, the commission shall regulate the public utility's retail transmission, distribution, and default supply services within the state of Montana, as provided in this chapter.

(2) The commission shall license electricity suppliers and enforce licensing provisions pursuant to 69-8-404.

(3) The commission shall promulgate rules that identify the licensees and ensure that the offered electricity supply is provided as offered and is adequate in terms of quality, safety, and reliability.

(4) The commission shall establish just and reasonable rates through established ratemaking principles for public utility default supply, distribution, and transmission services, including rates for service classes to ensure the collection of 2.4% of each public utility's 2004 annual retail sales revenue in Montana and then, in subsequent years, as directed under 69-8-402, to fund universal system benefits programs, and shall regulate these services. The commission may approve rates and charges for those services based on alternative forms of ratemaking, such as performance-based ratemaking, on a demonstration by the public utility that the alternative method complies with this chapter, and on the public utility's transition plan.

(5) The commission shall certify that a cooperative utility has adopted a transition plan that complies with this chapter. A cooperative utility's transition plan is considered certified 60 days after the cooperative utility files for certification.

(6) The commission shall promulgate rules that protect consumers, distribution services providers, and electricity suppliers from anticompetitive and abusive practices.

(7) (a) After July 1, 2010, the commission shall continuously monitor whether or not workable competition has developed for small customers.

(b) If the commission determines that workable competition has developed for small customers after July 1, 2010, the commission shall provide a report to the legislature that includes recommendations for legislative implementation of customer choice for small customers.

(8) The commission shall adopt rules implementing 69-8-402, applying the provisions of [section 9], that establish:

(a) allocations between universal system benefits programs;

(b) allocations within universal system benefits programs; and

(c) procedures and guidelines for public utility low-income energy and conservation assistance expenditures to exceed the funding level established in 69-8-402(5) in necessary and appropriate circumstances.

~~(8)~~(9) In addition to promulgating rules expressly provided for in this chapter, the commission may promulgate any other rules necessary to carry out the provision of this chapter.

~~(9)~~(10) This chapter does not give the commission the authority to:

(a) regulate cooperative utilities in any manner other than reviewing certification filings for compliance with this chapter; or

(b) compel any change to a cooperative utility's certification filing made pursuant to this chapter.""

Insert: "Section 7. Section 69-8-412, MCA, is amended to read:

"69-8-412. Funds established -- fund administrators designated -- purpose of funds -- department rulemaking authority to administer funds. (1) If, pursuant to ~~69-8-402(2)(f) or (5)(b),~~ 69-8-402(5)(d), (6)(d), and (7), there is any positive difference between credits and expenditures and the annual funding ~~requirement~~ requirements, the department of revenue shall establish one or both of the following funds:

(a) a fund to provide for universal system benefits programs other than low-income energy assistance. The department of environmental quality shall administer this fund.

(b) a fund to provide universal low-income energy assistance. The department of public health and human services shall administer this fund.

(2) The purpose of these funds is to fund universal system benefits programs.

(3) The department of environmental quality and the department of public health and human services shall expend the money in each representative fund on universal system benefits programs in the utility service territory from which the money was received.

(4) The department of environmental quality and the department of public health and human services may adopt rules that administer and expend the money in each respective fund based on an annual assessment of identified funding needs in the utility service territory from which the money was received. In assessing the funding needs, the departments shall solicit utility and public comment from the utility service territory from which the money was received. The annual assessment must also take into account existing utility and large customer universal system benefits programs expenditures.""

Insert: "Section 8. Section 69-8-413, MCA, is amended to read:

"69-8-413. Department rulemaking authority. (1) The department of revenue shall adopt rules on or before ~~September 1, 1999~~ December 1, 2005, specifying acceptable universal system benefits programs credits and expenditures and adopting procedures for ~~challenged~~ the review of credits. The department is required to prepare uniform reporting requirements that will ensure that utilities and large customers provide enough information for the general public to understand and evaluate universal system benefits programs, expenditures, and activities.

(2) In developing rules under this section, the department of revenue shall consult with the public service commission.

~~(2) Rules adopted pursuant to this part must be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1.~~

~~(3) Universal system benefits programs credits claimed or expenditures made prior to the adoption of the rules under subsection (1) must be allowed and are not subject to the requirements of 69-8-414.~~""

Insert: "NEW SECTION. **Section 9. Montana energy assistance program.** (1) There is a Montana energy assistance program.

(2) The Montana energy assistance program consists of:

(a) a monthly energy bill payment assistance program in the form of a rate discount, fixed credit, or both;

(b) energy assistance and weatherization assistance delivered to low-income customers in coordination with the federal department of energy's weatherization assistance program;

(c) an emergency or crisis assistance program; and

(d) other programs that seek to reduce barriers to affordability, such as arrears forgiveness, waivers for security deposits, and other comparable programs.

(3) In designing and implementing the Montana energy assistance program, utilities shall endeavor to:

(a) bring participants' bills into the range of affordability;

(b) provide incentives for participants to make timely payments; and

(c) encourage participants to reduce usage and participate in available conservation and energy efficiency measures that reduce the customer's bill and payment requirements.

(4) Priority must be given to a monthly energy bill payment assistance program."

Insert: "NEW SECTION. **Section 10. Department of public health and human services analysis and report.** The department of public health and human services shall provide to the energy and telecommunications interim committee, at a time to be determined by the committee, an analysis of the gap between energy bills, taking into

account any bill payment assistance programs, and the ability of low-income households to pay for and retain monthly electric and natural gas service at various levels of household income, family size, and energy usage patterns, along with recommendations for closing this gap."

Insert: "Section 11. Section 69-8-414, MCA, is amended to read:

"**69-8-414. Universal system benefits programs credit review process.** (1) All annual reports required pursuant to 69-8-402~~(8) and~~ (10) and (12) must be filed with the department of revenue on March 1 of each year.

(2) ~~Except as provided in 69-8-413, upon~~ Upon a challenge by an interested person, the department of revenue shall ensure that the credit claimed is consistent with this chapter. An interested person may file comments challenging the claim, including supporting documentation, with the department of revenue. A challenge of any claimed credit must be filed within 60 days of the department of revenue's receipt of the credit claimant's annual reports required pursuant to 69-8-402~~(8) and~~ (10) and (12).

(3) Claimed credits are presumed to be correct unless challenged by an interested person. If a challenge is filed by an interested person, the department of revenue shall conduct an initial review of a challenged credit and shall ~~make a determination as to~~ determine the likelihood that the challenged credit qualifies for universal system benefits programs or determine that there is insufficient information provided in the report to make a determination that the challenged credit qualifies for universal system benefits programs. If the department of revenue finds that the challenged credit is not likely to qualify for universal system benefits programs~~,~~ or that there is insufficient information in the report to make a determination, the department of revenue shall formally review the challenge~~;~~. ~~otherwise~~ Otherwise, the department of revenue shall dismiss the challenge and provide a statement of the reasons supporting dismissal of the challenge. The burden of proof as to the qualification of the challenged expenditure rests with the entity that has claimed the credits, and the department of revenue may compel the entity to produce documents and other evidence as part of its review. ~~The department of revenue may request additional information from the credit claimant or interested person.~~ The department of revenue shall complete the initial review within 30 days of the challenge.

(4) If the department of revenue determines that a formal review of a challenged credit is necessary, the department of revenue shall provide public notice of the opportunity to comment to the credit claimant and interested persons. The department of revenue may also schedule an oral hearing. If a hearing is scheduled, the department of revenue shall provide public notice of the hearing to the credit claimant and interested persons.

(5) For a formal credit review challenge, the following procedures apply:

(a) The credit claimant shall provide documentation supporting the credit claimed to the department of revenue and to all interested persons, subject to department of revenue protective orders for confidential or sensitive materials, upon a showing of a privacy interest by the credit claimant.

(b) The department of revenue shall make all materials related to the claim, the challenge, and the submitted comments available to the credit claimant and for public inspection and photocopying, subject to any department of revenue protective orders.

(c) The credit claimant may respond in writing to any comments and other documents filed by an interested person.

(d) The department of revenue may ask for additional detailed information to implement this section.

(6) Upon completing a formal review of a challenged credit, the department of revenue shall make a decision to certify or to deny the credit claimed, providing a statement of the reasons supporting the department of revenue's decision. The formal review of a challenged credit, including the department of revenue's final decision, must be completed within 60 days of the department of revenue's public notice of the opportunity to comment on the challenged credit.""

Insert: "NEW SECTION. **Section 12. Codification instruction.** [Sections 9 and 10] are intended to be codified as an integral part of Title 69, chapter 8, part 4, and the provisions of Title 69, chapter 8, part 4, apply to [sections 9 and 10]."

And, as amended, do pass. Report adopted.

SB 428, do pass. Report adopted.

FISH AND GAME (Tropila, Chairman): 2/18/2005
SB 405, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "POPULATION TARGETS"
Insert: "POPULATIONS"

2. Title, line 5.
Strike: "MET"
Insert: "BROUGHT BELOW MAXIMUM POPULATION TARGETS"

3. Page 2, line 1.
Strike: "population targets"
Insert: "populations"
Strike: "met"
Insert: "brought below maximum population targets "

And, as amended, do pass. Report adopted.

SJR 24, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Pease, Chairman): 2/18/2005
SB 174, do pass. Report adopted.
SB 423, do pass. Report adopted.
SB 459, do pass. Report adopted.
SB 465, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "SUBSTANCES"
Insert: "CHEMICALS"

2. Page 1, line 10.
Strike: "Any substance"
Insert: "(1) A chemical may not be"

3. Page 1, line 11 through line 12.
Strike: "must" on line 11 through "jurisdiction" on line 12
Insert: "unless the chemical appears on the department of transportation's list of approved products for that purpose"

4. Page 1.
Following: line 12
Insert: "(2) For the purposes of this section, "chemical" does not mean salt."

5. Page 1, line 18.
Strike: "Any substance"
Insert: "A chemical may not be"

6. Page 1, line 19.
Strike: "must" through "jurisdiction"
Insert: "unless the chemical appears on the department of transportation's list of approved products for that purpose"

7. Page 1.
Following: line 19
Insert: "(3) For the purposes of this section, "chemical" does not mean salt."

And, as amended, do pass. Report adopted.

SB 487, introduced bill, be amended as follows:

1. Page 3, line 18.
Strike: "and"

2. Page 3, line 21.
Following: "violation"
Strike: "."
Insert: "; or"

3. Page 3, line 22.
Strike: "(c) If"
Insert: "(iii) if"

And, as amended, do pass. Report adopted.

JUDICIARY (Wheat, Chairman): 2/18/2005
SB 378, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "**insurance**"
Strike: "**limits**"
Insert: "information"

2. Page 1, line 13.
Following: "upon the"
Strike: "parties against whom an action may be brought"
Insert: "insurer of a potentially responsible party"

3. Page 1, line 14.
Following: "and"
Strike: "liability"
Following: "any"
Insert: "liability"

4. Page 1, line 16.
Following: "the"
Strike: "parties"
Insert: "party"

5. Page 1, line 17.
Following: line 16
Insert: "(2) The request must be signed by the attorney for the requesting party, or by the requesting party if unrepresented, and must include a statement that:
(a) the request is made for the purpose of evaluating a claim for personal injury or death;
(b) to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the claim is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and
(c) the request is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."
Renumber: subsequent subsection

6. Page 1, line 17.
Following: "The"
Strike: "parties against whom a claim is alleged"
Insert: "insurer"

7. Page 1, line 18.
Following: "within"
Strike: "15"
Insert: "45"

8. Page 1, line 19.
Following: line 18
Strike: the first "parties"
Insert: "insurer"
Following: "on the"
Strike: "parties"
Insert: "insurer"

9. Page 1, line 23.
Following: line 22
Insert: "(4) Disclosure of information by an insurer pursuant to subsection (1) must be made in accordance with the provisions of the Insurance Information and Privacy Protection Act, Title 33, chapter 19."

And, as amended, do pass. Report adopted.

SB 385, introduced bill, be amended as follows:

1. Title, line 8.
Following: "AGENCY;"
Insert: "PROVIDING FOR SETTING PRIORITIES;"

2. Page 1, line 24.
Strike: "represent the interests of children,"
Insert: "assist"
Following: "members"
Strike: ","

3. Page 1, line 25 through page 2, line 1.
Following: "custodians" on line 25
Strike: remainder of line 25 through "52-2-304" on page 2, line 1
Insert: "in their interactions with the department of public health and human services, including any complaints or grievances they have against the department with regard to the department's responsibilities under Title 41, chapter 3"

4. Page 2, line 3.
Following: "allegations"
Insert: "regarding the public mental health system"

5. Page 2, line 4.
Following: "investigating"
Insert: "the public mental health system"

6. Page 2, line 6.
Following: "changes"
Insert: "in the public mental health system and in the agencies charged with the prevention, identification, and treatment of child abuse and neglect"

7. Page 2, line 10.
Following: "agency"
Insert: "public"
Strike: "including"
Insert: "and"

8. Page 2, line 11.
Following: "authorization"
Insert: "from those holding privacy interests"
Strike: "those"
Insert: "records"

9. Page 2, line 23.
Strike: "The"
Insert: "With respect to its duties related to mental health services, the"

10. Page 5, line 12.
Following: "2-15-210"
Insert: "if the ombudsman obtains written authorization as required by 2-15-210(6)"

11. Page 5, lines 15 and 16.
Following: "advocate" on line 15
Strike: remainder of line 15 through "2-15-210" on line 16

12. Page 6, line 18.
Following: "duties"
Insert: "concerning mental health services as"

13. Page 7, line 16.
Following: "2-15-210"
Insert: "if the ombudsman obtains written authorization as required by 2-15-210(6)"

14. Page 8, line 12.
Strike: "and family"
Following: "health"
Insert: "and family"

15. Page 8, line 14.
Insert: "NEW SECTION. **Section 6. Priorities.** It is the intent of the legislature that the mental health and family ombudsman prioritize the duties for assisting immediate and extended family members and child custodians in the following order:

(1) assist families in interacting with the department of public health and human services, including the use of the department's grievance procedure;

(2) based on the experience of the ombudsman, recommend systemic changes or activities to improve the functioning of agencies charged with the prevention, identification, and treatment of child abuse and neglect; and

(3) issue reports to the governor and the legislature concerning the recommendations in subsection (2)."

Insert: "NEW SECTION. **Section 7. Codification instruction.** [Section 6] is intended to be codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part 2, apply to [section 6]."

And, as amended, do pass. Report adopted.

SB 402, introduced bill, be amended as follows:

1. Page 1, line 9.
Following: "**requirements**"
Insert: "**-- definition**"
Following: "**requirements.**"
Insert: "(1)"

2. Page 1, line 11.
Following: "50-15-221"
Insert: "(4)"

3. Page 1, line 12.
Following: "50-15-403."
Insert: "Upon request, a certificate of stillbirth must be provided to a parent."

4. Page 1, line 13.
Following: line 12
Insert: "(2) As used in this section, "stillbirth" means the delivery of a fetus that did not show any signs of life."

And, as amended, do pass. Report adopted.

SB 407, do pass. Report adopted.
SB 426, introduced bill, be amended as follows:

1. Page 8, line 26 through line 27.
Following: "sealed" on line 26
Strike: remainder of line 26 through "ends" on line 27
Insert: "on the youth's 18th birthday"

2. Page 9, line 6.
Following: "apply to"
Insert: "medical records,"

3. Page 9, line 17.
Following: "services"
Insert: "and by the department"

4. Page 9, line 19.
Following: "services"
Insert: "and the department"

5. Page 9, line 20.
Following: "in the"
Insert: "respective"

6. Page 9, line 23.
Following: "services"

Insert: "or by the department"

7. Page 10, line 15.
Insert: "(9) Nothing in this section prohibits the intraagency use or information sharing of formal or informal youth court records within the department's youth management information system. Electronic records of the department's youth management information system may not be shared except as provided in subsection (5). If a person authorized under 41-5-215 is in need of a copy of a record that is in electronic form, the department shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section."

8. Page 10, line 16.
Following: "separate"
Insert: "-- formal policies and administrative rules required"
Following: "(1)"
Insert: "(a)"

9. Page 10, line 20.
Following: line 19
Insert: "(b) The office of the court administrator shall adopt formal policies, and the department shall adopt administrative rules to institute the requirements in subsection (1)(a)."

10. Page 10, line 23.
Following: "inaccessible"
Insert: "and unrecoverable"

11. Page 10, line 24.
Following: "protected"
Insert: ", which may include disassociating the offense and disposition information from the name of the youth"

12. Page 11, line 5.
Following: "copies of"
Insert: "formal and informal youth court records, including"

And, as amended, do pass. Report adopted.

SB 429, introduced bill, be amended as follows:

1. Page 1, line 10 through page 2, line 1.
Strike: section 1 in its entirety
Renumber: subsequent sections

2. Page 2, line 3.
Following: "**installation**"
Strike: "**-- disclosures**"

3. Page 2, line 7.
Following: "state"
Strike: "sufficient"

4. Page 2, line 22 through line 30.
Strike: subsections (6) through (8) in their entirety
Insert: "(6) (a) For purposes of this section, "electronic tracking device" means a device that:

(i) utilizes global positioning systems, ultrahigh frequency (UHF), very high frequency (VHF), cellular, microwave, or other electronic technology;

(ii) transmits or receives by electronic or mechanical means; and

(iii) when attached to a vehicle or other movable object, reveals the location or movement of the vehicle or other movable object.

(b) The term does not include an electronic device used to monitor the location of a criminal offender who is placed on probation, is monitored as a condition of bail, or is released from incarceration while the offender remains under the active supervision of the state."

5. Page 3, lines 2 through 6.
Strike: section 3 in its entirety
Renumber: subsequent section

6. Page 3, line 8.
Strike: "[Sections 1 through 3] are"
Insert: "[Section 1] is"

7. Page 3, line 9 through line 10.
Following: "apply to" on line 9

Strike: "[sections 1 through 3]"
Insert: "[section 1]"

And, as amended, do pass. Report adopted.

SB 447, introduced bill, be amended as follows:

1. Page 13, line 17.
Following: "13-27-312(3)"
Insert: "and subject to 13-27-312(5)"

2. Page 13, line 17 through line 18.
Following: "implication" on line 17
Strike: "," on line 17 through "legislature" on line 18

3. Page 14, line 15.
Following: "notice"
Strike: "of a proposed ballot issue's rejection"

And, as amended, do pass. Report adopted.

SB 462, do pass. Report adopted.

LOCAL GOVERNMENT (Mangan, Chairman): 2/18/2005
SB 167, do pass. Report adopted.
SB 301, introduced bill, be amended as follows:

1. Title, line 7.
Following: "LEVIES;"
Insert: "CHANGING THE CONTENTS OF THE PROPERTY TAX NOTICE;"

2. Title, line 9.
Following: "7-21-3410,"
Insert: "15-16-101,"

3. Page 7, line 6.
Insert: "**Section 14.** Section 15-16-101, MCA, is amended to read:

"**15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:

(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;

(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

~~(iii) the value of each mill in that county;~~

~~(iv)~~(iii) itemized city services and special improvement district assessments collected by the county;

~~(v)~~(iv) the number of the school district in which the property is located; and

~~(vi)~~(v) the amount of the total tax due that is levied as city tax, county tax, state tax, school district tax, and other tax.

(b) If the property is the subject of a tax sale for which a tax sale certificate has been issued under 15-17-212, the notice must also include, in a manner calculated to draw attention, a statement that the property is the subject of a tax sale and that the taxpayer may contact the county treasurer for complete information.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection ~~(2)(a)(iv)~~ (2)(a)(iii) ready for mailing.

(4) The notice in every case must be published once a week for 2 weeks in a weekly or daily newspaper published in the county, if there is one, or if there is not, then by posting it in three public places. Failure to publish or post notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of $5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 350, do pass. Report adopted.
SB 370, do pass. Report adopted.
SB 458, introduced bill, be amended as follows:

1. Title, line 6.
Following: "OF THE"
Insert: "WRITTEN"

2. Page 1, line 24.
Following: "use"
Insert: ","
Following: "construction"
Insert: ","

3. Page 1, line 25.
Following: "the"
Insert: "written"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/18/2005

HB 359, introduced by Gutsche
HB 436, introduced by Himmelberger
HB 473, introduced by Parker
HB 493, introduced by Noonan

MOTIONS

Senator Hawks moved that action on the Committee of the Whole report for Legislative Day 39 be reconsidered. Motion failed as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Schmidt, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Cooney moved SB 287 be taken from 3rd reading and referred to Senate Finance and Claims. Motion carried.

Senator Cooney moved SB 43 be blasted from Senate Judiciary and placed on 2nd reading the 41st Legislative Day. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Keenan, Laible, McGee, O'Neil, Pease, Perry, Shockley, Stapleton, Steinbeisser, Story, Tropila.
Total 20

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

Senator Gallus moved the Senate Rules be suspended for late drafting of a resolution. Motion requiring 2/3 vote failed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.
Total 32

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Grimes, Keenan, Mangan, McGee, Perry, Stapleton,

Steinbeisser, Story, Tash, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 501, introduced by McGee, referred to Taxation.
SB 502, introduced by Barkus, Weinberg, referred to Taxation.
SB 503, introduced by Tropila, referred to Fish and Game.
SB 504, introduced by Laible, referred to Taxation.
SB 505, introduced by Larson, referred to Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stapleton in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 265 - Senator Larson moved **SB 265** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 - Senator Schmidt moved **SB 287** do pass. Motion carried unanimously.

SB 353 - Senator Pease moved **SB 353** do pass.

SB 353 - Senator Pease moved **SB 353**, second reading copy, be amended as follows:

1. Title, line 6.
Following: "PARK"
Insert: "AS AN ALTERNATIVE TO SLAUGHTER"

2. Title, line 8 through line 9.
Strike: "THAT DESIRE" on line 8 through "HERD" on line 9

3. Page 1, line 26.
Following: "department"
Insert: ",as an alternative to slaughter,"
Following: "bison"
Insert: "that are less than 2 years of age"

4. Page 3, line 6.
Following: "conducted"
Insert: ","
Following: "department"
Insert: "and following any necessary holding period as determined by the state veterinarian,"

5. Page 3, line 6 through line 7.
Strike: "that desires" on line 6 through "present herd" on line 7

Amendment adopted unanimously.

SB 353 - Senator Pease moved **SB 353**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Hansen, Lind, McGee, Story, Toole.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 373 - Senator Essmann moved **SB 373** do pass. Motion carried unanimously.

SB 401 - Senator Laslovich moved **SB 401** do pass.

SB 401 - Senator Laslovich moved **SB 401**, second reading copy, be amended as follows:

1. Page 1, line 30.
Strike: "not"

Amendment adopted unanimously.

SB 401 - Senator Laslovich moved **SB 401**, as amended, do pass. Motion carried unanimously.

SB 422 - Senator Joe Balyeat moved **SB 422** do pass. Motion carried unanimously.

SB 430 - Senator Ryan moved **SB 430** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Barkus, Cromley, Esp, Essmann, Gallus, Grimes, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 13

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 433 - Senator Lind moved **SB 433** do pass. Motion carried unanimously.

SJR 15 - Senator McGee assumed the chair.

SJR 15 - Senator Williams moved **SJR 15** be adopted. Motion carried unanimously.

SJR 16 - Senator Williams moved **SJR 16** be adopted.

SJR 16 - Senator Grimes moved **SJR 16**, second reading copy, be amended as follows:

1. Title, line 13.
Following: "SOCIAL SECURITY"
Insert: "THROUGH EFFECTIVE REFORM"

2. Title, line 13.
Following: "PRIVATIZING"
Insert: "ALL OF"

3. Page 1, lines 21 and 22.
Strike: lines 21 and 22 in their entirety
Insert: "WHEREAS, in 1950, there were 16 workers to supporting every one beneficiary, today there are only 3.3 workers supporting every beneficiary, and by the time our youngest workers turn 65, there will be only 2 workers supporting each beneficiary; and"

4. Page 1, line 28 through page 2, line 1.
Strike: line 28 through page 2, line 1 in their entirety
Insert: "WHEREAS, according to the Social Security trustees, 13 years from now, Social Security will be paying out more than it takes in and every year afterward will bring a new shortfall, bigger than the year before; and

WHEREAS, in the State of the Union address, President Bush called for an open, candid review of the options to strengthen Social Security permanently for our children and grandchildren; and

WHEREAS, as of 2004, the cost of doing nothing to fix our Social Security system has hit an estimated $10.4 trillion, according to the Social Security trustees."

5. Page 2, line 8.
Strike: "and"

6. Page 2, line 9.
Following: "of the"
Insert: "entire"
Following: "Program"
Insert: "; and
(4) support efforts to move ahead with effective reforms
because our children's retirement security is more important than partisan politics"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SJR 16 - Senator Williams moved **SJR 16** be adopted. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 21

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SJR 16 - Senator Stapleton reassumed the chair.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Stapleton moved the Committee of the Whole report be adopted. Report adopted with Senator McGee voting nay.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 447 concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Balyeat, McGee, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 88 passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, McGee, O'Neil, Perry, Steinbeisser, Story.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 40

Nays: Bales, Balyeat, Curtiss, Essmann, Keenan, McGee, O'Neil, Shockley, Story, Tash.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344 passed as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, Perry, Roush, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 passed as follows:

Yeas: Balyeat, Cooney, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Mangan, Moss, Pease, Roush, Schmidt, Shockley, Squires, Toole, Wheat, Williams, Mr. President.
Total 20

Nays: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Laible, Laslovich, Lewis, Lind, McGee, O'Neil, Perry, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 passed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 409 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Curtiss, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 10:00 a.m., Saturday, February 19, 2005. Motion carried.

Senate adjourned at 3:06 p.m.

BILL LOMBARDI JON TESTER

Secretary of Senate President of the Senate

SENATE JOURNAL
59TH LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2005 — State Capitol

Senate convened at 10:00 a.m. President Tester presiding. Invocation by Senator Larson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Ryan, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Balyeat, Gebhardt, O'Neil, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: Ryan.
Total 1

BILLS AND JOURNAL: 2/21/2005
Correctly printed: **SB 2**, **SB 114**, **SB 167**, **SB 174**, **SB 281**, **SB 301**, **SB 335**, **SB 350**, **SB 364**, **SB 370**, **SB 378**, **SB 380**, **SB 383**, **SB 384**, **SB 385**, **SB 388**, **SB 402**, **SB 407**, **SB 423**, **SB 426**, **SB 429**, **SB 443**, **SB 447**, **SB 451**, **SB 454**, **SB 459**, **SB 462**, **SB 465**, **SB 478**, **SB 479**, **SB 481**, **SB 485**, **SB 487**, **SB 489**, **SB 495**, **SJR 26**.
Correctly engrossed: **SB 258**, **SB 363**, **SB 390**, **SB 396**, **SB 415**, **SB 419**, **SB 431**, **SB 435**, **SB 439**, **SB 440**, **SB 445**, **SB 452**, **SB 460**, **SB 468**, **SB 486**, **SB 499**, **SJR 27**.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 2/21/2005
SB 439, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "AUTHORIZING"
Insert: "CERTAIN"

2. Page 2, line 10.
Following: "employing"
Insert: "governmental"

3. Page 3, line 4.
Following: "**system**"
Insert: "**-- contract terms -- election**"

4. Page 3, line 11.
Strike: "(a) An"
Insert: "A governmental"

5. Page 3, line 12.
Following: "adopting a" on line 12
Strike: "resolution" through "declaration"
Insert: "contract for coverage"

6. Page 3, lines 13 through 15.
Strike: "The resolution" on line 13 through "board." on line 15
Insert: "The provisions of the retirement system become applicable on the effective date specified in the contract or on approval of the board, whichever is later. The contract must be approved by the board. However, the board may disapprove a contract if, in the board's sole discretion, the contract adversely affects the interests of the retirement system. The contract must state that amendments to statutes affecting the retirement system immediately apply to and become a part of the contract. The contract may not be terminated without an actuarial valuation of any liability that the terminating employer has to the retirement system. The board may withhold approval of the termination of a contract until satisfactory arrangements are completed to provide funding for any excess accrued liabilities not previously funded by the terminating employer."

7. Page 3, line 16.
Strike: "(b)"
Insert: "(4)"

8. Page 3, line 18.
Strike: "(c)"
Insert: "(5)(a)"

9. Page 3.
Following: line 23
Insert: "(b) An active firefighter who makes the one-time irrevocable election, as provided in subsection (5)(a), may request at the time of the irrevocable election to purchase the service credit over any period prior to retirement."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman): 2/21/2005
SB 363, introduced bill, be amended as follows:

1. Page 4, line 4.
Following: "(4)"
Insert: "(a)"

2. Page 4.
Following: line 6
Insert: "(b) Programs established pursuant to subsection (4)(a) do not obligate the state or a school district to offer regular educational programs to a similar age group unless specifically provided by law."

And, as amended, do pass. Report adopted.

SB 419, introduced bill, be amended as follows:

1. Title, line 5.
Following: "CREATION"
Insert: "UNDER CERTAIN CIRCUMSTANCES"

2. Page 1, line 14.
Following: "K-12 district"
Insert: "only if:
(a) the nearest elementary school building is located at a distance of at least 35 miles from the nearest accessible high school; and
(b) the newly created K-12 district will enroll at least 25 high school students"

And, as amended, do pass. Report adopted.

SB 445, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "AND FEES"
Insert: "REGARDLESS OF THE AVAILABILITY OF OTHER WAIVERS"
Strike: "ACTIVE"

2. Title, line 6 through line 7.
Strike: "REPEALING" on line 6 through "MCA;" on line 7

3. Page 1, line 22.
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

4. Page 2.
Following: line 11
Insert: "(e) waive tuition for up to 5,000 credits each academic year in accordance with the Montana national guard education benefit program provided for in 10-1-121."

5. Page 2, line 16.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 460, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "two"
Insert: "or more"

And, as amended, do pass. Report adopted.

SB 468, introduced bill, be amended as follows:

1. Title, line 5.
Following: "SUSPENSION"
Insert: "OR OTHER EXCLUSION"

2. Title, line 6.
Strike: "NOTICE AND"

3. Page 1, line 21.
Following: "suspension"
Insert: "or other exclusion"

4. Page 1, line 22.
Strike: "notice and"

And, as amended, do pass. Report adopted.

JUDICIARY (Wheat, Chairman): 2/21/2005
SB 258, introduced bill, be amended as follows:

1. Title, line 5.
Following: "OIL"
Strike: "OR"
Insert: "AND"

2. Title, line 6 through line 7.
Following: "LAWS;" on line 6
Strike: remainder of line 6 through "DEFINITIONS;" on line 7

3. Title, line 8.
Following: "THE"
Insert: "OIL AND GAS DEVELOPER OR"
Following: "OPERATOR"
Insert: "AND SURFACE OWNER"

4. Title, line 9.
Following: "NEGOTIATIONS"
Strike: "WITH THE SURFACE OWNER"

5. Title, line 10.
Following: "OIL"
Strike: "OR"
Insert: "AND"

6. Title, line 11.
Following: "THAT THE"
Insert: "OIL AND GAS DEVELOPER OR"

7. Title, line 12.
Following: "USE OF"
Strike: "AND ACCESS TO"

8. Title, line 15.
Following: "OR THE"
Insert: "OIL AND GAS DEVELOPER OR"

9. Title, line 15 through line 16.
Following: "HAS" on line 15
Strike: remainder of line 15 through "AND" on line 16
Insert: "PAID THE SURFACE OWNER AND POSTED A BOND; REQUIRING MINERAL LESSEES TO NOTIFY SURFACE OWNERS OF LEASING;"

10. Title, line 17 through line 19.
Following: "PROHIBITION;" on line 17
Strike: remainder of line 17 through "JUDGMENT;" on line 19

11. Title, line 20.
Strike: "82-10-502,"
Strike: "82-10-505,"

12. Page 1, line 28.
Following: "reserves"
Strike: "while allowing"
Insert: "and the owners of those reserves by providing"

13. Page 1, line 29.
Following: "necessary"
Insert: "and reasonable"

14. Page 1, line 30.
Following: "interests"
Insert: "between the oil and gas developer or operator and the surface owner"

15. Page 2, line 1 through line 2.
Following: subsection (c) in its entirety
Insert: "(c) provide procedures for protecting the rights of both surface owners and oil and gas developers or operators when disputes or disagreements arise between them relating to mitigation and compensation for damages to the surface owner."

16. Page 2, line 5.
Following: "owners"
Insert: "of record"

17. Page 2, line 9.
Following: "~~and~~"
Strike: "or"
Insert: "and"

18. Page 2, line 13 through line 14.
Strike: subsections (a) and (b) in their entirety
Insert: "(a) requiring compensation of owners of the surface estate for damages and disruption; and
(b) allowing entry on the surface owner's land in the absence of an agreement related to estimated damages after notice and posting a bond."

19. Page 2, line 16.
Following: "of oil"
Strike: "or"
Insert: "and"

20. Page 2, line 17.
Following: "oil"

Strike: "or"
Insert: "and"

21. Page 2, line 19 through page 3, line 3.
Strike: section 2 in its entirety
Renumber: subsequent sections

22. Page 3, line 6.
Following: "~~drilling~~"
Strike: "oil or gas"
Insert: "drilling"
Following: "**operations.**"
Insert: "(1) When an interest in an oil and gas estate is leased or conveyed, the entity leasing the interest shall give written notice of the lease or conveyance to the surface owner of record within 30 days after the leasing or conveyance occurs."
Renumber: subsequent subsections

23. Page 3, line 7.
Following: "~~or~~"
Insert: "oil and gas developer or"

24. Page 3, line 8.
Following: "~~drilling~~"
Strike: "oil or gas"
Insert: "drilling"

25. Page 3, line 9.
Following: "the"
Insert: "developer or"

26. Page 3, line 10 through line 11.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

27. Page 3, line 13.
Strike: "(3)"

28. Page 3, line 15.
Following: "~~drilling~~"
Strike: "oil or gas"
Insert: "drilling"

29. Page 3, line 19 through line 20.
Following: "~~surface~~" on line 19
Strike: remainder of line 19 through "operations" on line 20
Insert: "commencement of any activity on the land surface for the first time"

30. Page 3, line 24.
Following: "oil"
Strike: "or"
Insert: "and"

31. Page 3, line 25.
Following: "oil"
Strike: "or"
Insert: "and"
Following: ", the"
Insert: "oil and gas developer or"
Following: "operator"

Insert: "and the surface owner of record"

32. Page 3, line 26.
Following: "negotiations"
Strike: "with the surface owner"
Following: "written"
Insert: "surface use"
Following: "regarding"
Strike: "the following"
Insert: "mitigation of and compensation for disruption and damages expected to be incurred by the surface owner as a result of the oil and gas operations. The surface use agreement must include"

33. Page 3, line 28.
Following: "oil"
Strike: "or"
Insert: "and"

34. Page 3, line 29.
Following: "oil"
Strike: "or"
Insert: "and"

35. Page 4, line 2.
Following: "oil"
Strike: "or"
Insert: "and"

36. Page 4, line 3.
Following: "by the"
Insert: "oil and gas developer or"
Following: "including"
Insert: "but not limited to"

37. Page 4, line 5.
Strike: subsection (h) in its entirety
Renumber: subsequent subsections

38. Page 4, line 7.
Strike: "and"

39. Page 4, line 8.
Following: line 7
Insert: "(j) loss of agricultural production and income;
(k) loss of land value;
(l) loss of use of the surface owner's land;
(m) loss of value of improvements caused by oil and gas operations;
(n) compensation for damages as provided in subsection (2); and"

40. Page 4, line 8.
Strike: "(k)"
Insert: "(o)"
Following: "oil"
Strike: "or"
Insert: "and"

41. Page 4, line 9 through line 12.
Strike: subsection (2)(a) in its entirety
Insert: "(2)(a) The surface use agreement must include the amount of compensation to be paid to the surface owner of record for disruption and damages expected to be caused by the oil and gas operations."

42. Page 4, line 14.
Following: "~~or~~"
Insert: "oil and gas developer or"

43. Page 4, line 22 through line 24.
Strike: subsection (3) in its entirety
Insert: "(3)(a) If the parties are unable to agree on the amount of compensation for disruption and damages, then the agreement must set forth both the oil and gas developer's or operator's damage estimate and the surface owner's damage estimate. Both estimates must be attached to the surface use agreement and made a part of the agreement.

(b) Before the oil and gas developer or operator enters the surface owner's property to begin oil and gas operations, the oil and gas developer or operator shall pay the surface owner the amount of damages estimated by the oil and gas developer or operator and post a bond for twice the amount of the difference between the damages estimated by the oil and gas developer or operator and damages estimated by the surface owner or $10,000, whichever is less. The bond must be posted as provided in [section 9]."

44. Page 4, line 25.
Following: "~~or~~"
Insert: "oil and gas developer or"

45. Page 4, line 26.
Following: "payment"
Insert: "within 30 days"
Following: "under a"
Strike: "damage"
Insert: "surface use"

46. Page 4, line 26 through line 27.
Following: "owner" on line 26
Strike: remainder of line 26 through "[section 9]" on line 27

47. Page 5, line 1 through line 5.
Strike: section 5 in its entirety
Renumber: subsequent sections

48. Page 5, line 15.
Strike: "**or**"
Insert: "**and**"

49. Page 5, line 15 through line 16.
Following: "**operations.**"
Strike: "(1)" on line 15 through "(2), the" on line 16
Insert: "The oil and gas developer or"
Following: "oil"
Strike: "or"
Insert: "and"

50. Page 5, line 17.
Following: "after the"
Insert: "oil and gas developer or"

51. Page 5, line 18.
Following: "oil"
Strike: "or"
Insert: "and"
Following: "after the"
Insert: "oil and gas developer or"

52. Page 5, line 19 through line 20.

Following: "after" on line 19
Strike: ":" on line 19 through "(a)" on line 20

53. Page 5, line 20.
Following: "and the"
Insert: "oil and gas developer or"
Following: "written"
Insert: "surface use"

54. Page 5, line 21.
Following: "damages"
Strike: "under 82-10-504;"
Insert: "or the oil and gas developer or operator pays the surface owner and posts a bond under 82-10-504 and [section 9]."

55. Page 5, line 22 through line 27.
Strike: subsections (b) and (c) and (2) in their entirety

56. Page 5, line 29.
Following: "An"
Insert: "oil and gas developer or"

57. Page 5, line 30.
Following: "after"
Strike: "a petition is filed under [section 9]"
Insert: "either party petitions the court to determine damages"

58. Page 6, line 2.
Following: "to the"
Insert: "oil and gas developer or"

59. Page 6, line 8.
Following: "of the"
Insert: "oil and gas developer or"

60. Page 6, line 10 through page 8, line 10.
Strike: section 9 through section 10 in their entirety
Renumber: subsequent sections

61. Page 8, line 13.
Following: "that the"
Insert: "oil and gas developer or"
Following: "operator"
Strike: "intentionally or negligently"
Insert: "wrongfully"

62. Page 8, line 14.
Following: "oil"
Strike: "or"
Insert: "and"

63. Page 8, line 15.
Following: "oil"
Strike: "or"
Insert: "and"

64. Page 8, line 16.
Following: "securing"
Strike: "an"

Insert: "a surface use"

65. Page 8, line 17.
Strike: subsection (c) in its entirety
Insert: "(c) paying damages and posting a bond under 82-10-504."

66. Page 8, line 18.
Following: "(2)"
Strike: "(a) Except as provided in subsection (2)(b), collection"
Insert: "Collection"

67. Page 8, line 19.
Following: "by the"
Insert: "oil and gas developer or"

68. Page 8, line 20 through line 21.
Strike: subsection (b) in its entirety

69. Page 8, line 23.
Following: line 22
Insert: "NEW SECTION. **Section 8. Application for permit to drill -- additional notice.** When submitting an application to the board for a permit to drill, the oil and gas developer or operator shall file a statement with the board, including the surface owner's name, contact address, telephone number, and any other relevant and necessary contact information known to the oil and gas developer or operator, certifying that notice of proposed oil and gas operations was provided to the surface owner and that:

(1) the parties entered into a surface use agreement that includes either mutually agreed damage compensation or the estimates of damages by both parties; or

(2) if the parties disagree on damages, the oil and gas developer or operator has paid its estimated damage amount and posted a bond as required under 82-10-504."

Insert: "NEW SECTION. **Section 9. Surety bond or guaranty -- approval -- objections -- release.** (1) The surety bond or other guaranty required under this section must be executed by the oil and gas developer or operator or a bonding company acceptable to the board.

(2) The surety bond or other guaranty must be in an amount equal to twice the amount of the difference between the damage estimates of the parties under 82-10-504 or $10,000, whichever is less. The amount of the bond or other guaranty specified in this subsection is not intended to establish any amount for reasonable and foreseeable damages.

(3) Within 7 days after receipt of the surety bond or other guaranty, the board shall notify the surface owner of receipt of the surety bond or other acceptable guaranty, including a description of the amount and type of the bond or guaranty, and shall provide to the surface owner a copy of the statement required under [section 8].

(4) Upon receipt of an acceptable surety bond or other guaranty by the board as specified in subsection (2) and receipt of all required regulatory approvals to secure a drilling permit, the oil and gas developer or operator must be permitted entry on the land to conduct oil and gas operations in accordance with terms of the surface use agreement and any existing contractual or legal right.

(5) Any surety bond or other guaranty must be released by the board after:

(a) compensation for damages has been made;

(b) all parties agree to the release; or

(c) any action for damages is finally resolved and all damages have been paid.

(6) Any surety bond or guaranty executed under this section must be in addition to the surety bond or guaranty required under 82-11-123 for reclamation and compliance with rules and orders of the board."
Renumber: subsequent sections

70. Page 8, line 26.
Strike: "[Sections 7 through 11]"
Insert: "[Sections 5 through 9]"

71. Page 8, line 28.
Strike: "[sections 7 through 11]"
Insert: "[sections 5 through 9]"

And, as amended, do pass. Report adopted.

2/21/2005

SB 435, introduced bill, be amended as follows:

1. Title, line 6.
Following: "AN"
Strike: "IMMEDIATE"

2. Page 3, line 20.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 2005"

And, as amended, do pass. Report adopted.

SB 452, introduced bill, be amended as follows:

1. Page 2, line 7.
Strike: "72"
Insert: "36"

2. Page 2, line 13.
Strike: "72"
Insert: "36"

And, as amended, do pass. Report adopted.

SB 485, do pass. Report adopted.
SJR 26, be adopted. Report adopted.
SJR 27, introduced joint resolution, be amended as follows:

1. Page 1, line 21 through line 23.
Strike: lines 21 through 23 in their entirety
Insert: "WHEREAS, the people of Libby are afflicted with tremolite asbestos disease, which resulted from exposure to mining activities by W.R. Grace; and"

2. Page 1, line 25.
Following: "deaths"
Strike: "caused by its reckless conduct"
Insert: ", which resulted from tremolite asbestos exposure"

And, as amended, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman): 2/21/2005
SB 440, introduced bill, be amended as follows:

1. Title, line 8.
Following: "DATE"
Insert: ", AN APPLICABILITY DATE, AND A TERMINATION DATE"

2. Page 8, line 9.
Following: "hospitals"
Insert: "using the requirements for licensure of hospitals and the procedure provided for in parts 1 and 2 of this chapter"

3. Page 8, line 10 through line 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

4. Page 8, line 21.
Strike: "subsections (1) and (2)"
Insert: "subsection (1)"

5. Page 9.
Following: line 2
Insert: "NEW SECTION. **Section 5. Applicability.** [This act] applies to specialty hospitals to be established after the moratorium on referrals to specialty hospitals referred to in [section 4] expires."
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates July 1, 2007."

And, as amended, do pass. Report adopted.

SB 499, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "GENERALLY"
Strike: the first "THE"

2. Title, line 5 through line 7.
Strike: "PROVIDING" on line 5 through "DUTIES;" on line 7

3. Title, line 7.
Following: "53-21-102"
Strike: ","
Insert: "AND"

4. Title, line 8.
Strike: "53-21-139" through "53-21-1010,"

5. Page 3, line 3.
Following: "facility,"
Strike: "or"

6. Page 3, line 4.
Following: "disorder"
Insert: ", or a facility licensed by and under contract with the department"

7. Page 4, line 29 through page 10, line 22.

Strike: section 3 through section 8 in their entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 2/21/2005
SB 390, introduced bill, be amended as follows:

1. Title, page 1.
Strike: "PROVIDING" on line 8 through ";" on line 10

2. Page 1, line 15.
Strike: "4"
Insert: "3"

3. Page 1, line 18.
Strike: "**comment**"
Insert: "**notice**"

4. Page 1, line 26.
Following: "office"
Strike: "or"
Insert: "and"

5. Page 2, line 2.
Strike: "same"
Strike: "as" through "of"
Strike: "provided" through "for"
Insert: "published or broadcast or disseminated to the"

6. Page 2, line 3.
Strike: "dissemination"

7. Page 2, line 17 through line 24.
Strike: section 3 in its entirety
Renumber: subsequent sections

8. Page 2, line 26.
Strike: "or 3"

9. Page 3, line 1.
Strike: "4"
Insert: "3"

10. Page 3, line 4.
Strike: "13-35-225,"

11. Page 3, line 9.
Strike: "4"
Insert: "3"

12. Page 3, line 11.
Strike: "4"
Insert: "3"

And, as amended, do pass. Report adopted.

SB 396, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.
Strike: "AND" on line 4 through "EXPENDITURES" on line 5

2. Page 2, line 20.
Strike: "$2,150"
Insert: "$18,000"

3. Page 2, line 29.
Strike: "[section 3] and"

4. Page 3, line 2.
Strike: "or issue"

5. Page 3, line 4 through line 14.
Strike: section 3 through section 4 in their entirety

And, as amended, do pass. Report adopted.

SB 431, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "TO"
Insert: "SUSPEND, DEMOTE, OR"

2. Title, page 1, line 5.
Strike: "THE" through "APPEAL"
Insert: "OPTIONS FOR A FIREFIGHTER TO ADDRESS DISCIPLINARY ACTION"

3. Title, page 1, line 6.
Strike: "REMOVING" through ";"
Insert: "AND"

4. Title, page 1, line 7.
Following: "7-33-4110,"
Strike: "AND"
Following: "7-33-4123,"
Insert: "AND 7-33-4124,"
Strike: "; AND" through "MCA"

5. Page 1, line 11 through Page 2, line 13.
Strike: section 1 and 2 in their entirety
Insert:"NEW SECTION. **Section 1. Determination regarding suspension, demotion, or discharge -- firefighter's**

options. (1) In an action initiated against a firefighter pursuant to 7-33-4123, the suspended firefighter must be given a written copy of the charges against the firefighter and the reasons for the action.

(2) After reviewing the charges, the firefighter may:

(a) appear before the council or commission and follow the procedure in 7-33-4124; or

(b) appear before the mayor, city manager, or chief executive officer to answer the charges as provided in subsection (3).

(3) If the firefighter elects to appear before the mayor, city manager, or chief executive officer to answer the charges, the mayor, manager, or officer shall consider the firefighter's case and may dismiss the charges or suspend, demote, or discharge the firefighter."

Insert: "Section 2. Section 7-3-4254, MCA, is amended to read:

"7-3-4254. Selection and supervision of officers and employees. (1) In cities having a mayor and two ~~councilmen~~ council members, the mayor ~~shall be~~ is the superintendent of the department of accounts, finance, and public property, and in cities having a mayor and four aldermen, the mayor ~~shall be~~ is the superintendent over the department of public affairs~~;~~ and ~~the mayor shall have~~ has general supervision over all departments of the city and over all matters connected with ~~said~~ the city~~, and the~~. The council shall, at its first regular meeting after the election of its members, designate by majority vote one ~~councilman~~ member of the council to be superintendent over each department of the city, but ~~such~~ the designation may be changed whenever it appears that the public service would ~~be benefited thereby~~ benefit from the change.

(2) The council shall, at its first regular meeting after the election of its members or as soon thereafter as practicable, elect by majority vote ~~the following officers:~~ a city clerk, a city treasurer, a city attorney, a city auditor, a city engineer, a city physician, a chief of the fire department, a chief of the police department, a commissioner of weights and measures, a street commissioner, library trustees, cemetery trustees, and ~~such~~ any other officers and assistants ~~as shall~~ that may be provided for by ordinance and ~~which~~ that may be necessary to the proper and efficient conduct of the affairs of the city. The council may by ordinance consolidate any of the offices the election to which is made by the council and may require any officer elected by the council to perform the duties of any other officer and shall appoint a city judge with the authority ~~now~~ conferred by existing laws. The tenure in office of a chief of the fire department and other officers of the fire department ~~shall be~~ is governed by the provisions of 7-33-4106~~,~~ ~~and~~ 7-33-4122 through 7-33-4124, and [section 1]. Any other officer or assistant elected or appointed by the council may be removed from office at any time by a majority vote of the members of the council, except as otherwise provided in this part.

(3) The council ~~shall have power from time to time to~~ may:

(a) create, fill, and discontinue offices and employment other than ~~herein~~ those prescribed~~, according to their judgment of the needs of the city, and~~ in this section;

(b) by majority vote of all the members ~~to~~ remove any ~~such~~ officer or employee, except as otherwise provided for in this part~~;~~; and

(c) ~~may~~ by resolution or otherwise prescribe, limit, or change the compensation of ~~such officers or employees~~ any officer or employee.""

6. Page 2, line 17.
Strike: ", 7-33-4123,"
Following: "~~through~~"
Insert: "through"

7. Page 2, line 22.
Following: "**suspend**"
Insert: "**, demote, or discharge**"
Following: "~~(1)~~"
Insert: "(1)"
Strike: "The"
Insert: "Subject to [section 1], the"
Following: "suspend"
Insert: ", demote,"

8. Page 2, line 23.
Following: "chief"

Insert: ","
Strike: "and"
Insert: "the"
Following: "assistant"
Insert: "chief,"

9. Page 2.
Following: line 27
Insert: "(2) Subject to [section 1]:

(a) the chief of the fire department may suspend, demote, or discharge the assistant chief of the fire department or any firefighter for neglect of duty or a violation of any of the rules of the fire department; and

(b) the assistant chief of the fire department may suspend, demote, or discharge any firefighter for neglect of duty or a violation of any of the rules of the fire department."

10. Page 2, line 29.
Strike: section 5 in its entirety
Insert: **"Section 5.** Section 7-33-4124, MCA, is amended to read:

"7-33-4124. Suspension -- review procedure. (1) ~~In all cases of suspension the person suspended must be furnished with a copy of the charge against him, in writing, setting forth reasons for the suspension. Such~~ Whenever a firefighter is suspended pursuant to 7-33-4123, the procedures provided in subsections (2) through (4) apply.

(2) The charges must be presented to the ~~next meeting of the~~ council or commission ~~and~~ for a hearing ~~had thereon, when the suspended member of the fire department may appear in person or by counsel and make his defense to said charges~~ at the council or commission meeting immediately following the suspension.

~~(2)~~(3) ~~Should~~ If the charges are not ~~be~~ presented to the ~~next meeting of the~~ council or commission ~~after the suspension~~ as provided in subsection (2) or ~~should~~ if the charges ~~be~~ are not found ~~not~~ to be proven by the council or commission, the suspended ~~person shall~~ firefighter must be reinstated and ~~be~~ is entitled to ~~his~~ the firefighter's usual compensation for the time ~~so~~ suspended.

~~(3)~~(4) If ~~such~~ the charges are found to be proven by the council or commission, the council or commission, by a vote of a majority of the whole council or commission, may ~~impose such penalty as it shall determine the offense warrants, either in the continuation of~~ continue the suspension for a limited time or ~~in the removal of the suspended person from the fire department~~ may demote or discharge the firefighter.""

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/21/2005

HB 222, introduced by Roberts
HB 245, introduced by MacLaren
HB 587, introduced by Bergren

MOTIONS

Senator Laible moved **SB 2** be blasted from Senate Judiciary to 2nd Reading. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat.
Total 34

Nays: Cocchiarella, Cromley, Ellingson, Harrington, Larson, Laslovich, Lind, Mangan, Moss, Ryan, Smith, Squires, Toole, Weinberg, Williams, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator O'Neil moved **SB 111** be blasted from Senate Judiciary to 2nd Reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Shockley, Stapleton, Tash.
Total 17

Nays: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Mangan moved his vote on **SB 470** be changed from "aye" to "nay". Motion carried.

Senator Curtiss moved **SB 417** be blasted from Senate Natural Resources to 2nd Reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 24

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Bales moved his vote on **SB 317** be changed from "aye" to "nay". Motion carried.

Senator Perry moved his vote on **SJR 19** be changed from "nay" to "aye". Motion carried.

Majority Leader Ellingson moved the Senate recess, for the purpose of caucus, and reconvene at 11:00 a.m. Motion carried.

Senate Recessed 10:40 a.m.

Senate Reconvened 11:00 a.m.

Roll Call. All members present, except Gallus and Harrington, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 44

Nays: Balyeat, Gebhardt, O'Neil, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: Gallus, Harrington.
Total 2

Senator Keenan moved to take **SB 499** from 2nd reading and refer it to Senate Finance and Claims. Motion carried.

Senator Cooney moved **SB 333** and **SB 428** be taken from 3rd reading and referred to Senate Finance and Claims. Motion carried.

Senator Gallus moved to suspend the Senate Rules for the late introduction, drafting, and transmittal of a resolution. Motion carried as follows:

Yeas: Bales, Balyeat, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Laible, Larson, Laslovich, Lind, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Barkus, Black, Kitzenberg, Lewis, Mangan, McGee, Moss.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Tester moved that action be reconsidered on the committee of the whole report, Legislative Day 41. Motion failed as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Kitzenberg, Laible, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 24

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Hawks, Keenan, Larson, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by Dickenson, referred to Education and Cultural Resources.
HB 21, introduced by Gallik, referred to State Administration.
HB 27, introduced by Noennig, referred to State Administration.
HB 29, introduced by Golie, referred to State Administration.

HB 30, introduced by Wanzenried, referred to State Administration.
HB 37, introduced by Lambert, referred to Agriculture, Livestock and Irrigation.
HB 39, introduced by Gutsche, referred to Fish and Game.
HB 40, introduced by Harris, referred to Judiciary.
HB 43, introduced by Musgrove, referred to Energy and Telecommunications.
HB 50, introduced by Roberts, referred to Fish and Game.
HB 53, introduced by Jacobson, referred to State Administration.
HB 54, introduced by Small-Eastman, referred to Taxation.
HB 55, introduced by Wanzenried, referred to Highways and Transportation.
HB 56, introduced by Warden, referred to Fish and Game.
HB 66, introduced by Jent, referred to Judiciary.
HB 67, introduced by Jent, referred to State Administration.
HB 68, introduced by Andersen, referred to Public Health, Welfare and Safety.
HB 77, introduced by B. Olson, referred to Business, Labor, and Economic Affairs.
HB 78, introduced by Harris, referred to Energy and Telecommunications.
HB 81, introduced by Ross, Lange, referred to Fish and Game.
HB 82, introduced by Ross, Lange, referred to Fish and Game.
HB 83, introduced by Campbell, referred to Education and Cultural Resources.
HB 85, introduced by Kaufmann, referred to State Administration.
HB 87, introduced by Ward, referred to Highways and Transportation.
HB 90, introduced by Kaufmann, referred to Judiciary.
HB 101, introduced by Villa, referred to Highways and Transportation.
HB 103, introduced by Driscoll, referred to Local Government.
HB 107, introduced by Jent, referred to State Administration.
HB 108, introduced by Furey, referred to Business, Labor, and Economic Affairs.
HB 110, introduced by Furey, referred to Judiciary.
HB 112, introduced by Musgrove, referred to State Administration.
HB 114, introduced by Witt, referred to Highways and Transportation.
HB 118, introduced by McNutt, referred to Business, Labor, and Economic Affairs.
HB 119, introduced by Golie, referred to Fish and Game.
HB 126, introduced by Mendenhall, referred to Business, Labor, and Economic Affairs.
HB 128, introduced by Jent, referred to Judiciary.
HB 131, introduced by Clark, referred to Fish and Game.
HB 135, introduced by D. Brown, referred to Highways and Transportation.
HB 138, introduced by Roberts, referred to Public Health, Welfare and Safety.
HB 139, introduced by Gallik, referred to State Administration.
HB 142, introduced by Ripley, referred to Local Government.
HB 144, introduced by Kaufmann, referred to Natural Resources.
HB 146, introduced by Gallik, referred to Judiciary.
HB 150, introduced by Galvin-Halcro, referred to State Administration.
HB 154, introduced by Jacobson, referred to State Administration.
HB 155, introduced by Barrett, referred to State Administration.
HB 160, introduced by Jacobson, referred to Business, Labor, and Economic Affairs.
HB 167, introduced by MacLaren, referred to State Administration.
HB 168, introduced by Becker, referred to Business, Labor, and Economic Affairs.
HB 175, introduced by Cohenour, referred to Business, Labor, and Economic Affairs.
HB 178, introduced by Taylor, referred to Natural Resources.
HB 180, introduced by Lake, referred to State Administration.
HB 185, introduced by Harris, referred to Natural Resources.
HB 188, introduced by Bergren, referred to Business, Labor, and Economic Affairs.
HB 190, introduced by Becker, referred to Judiciary.
HB 195, introduced by Matthews, referred to Agriculture, Livestock and Irrigation.
HB 198, introduced by Villa, referred to State Administration.
HB 205, introduced by Parker, referred to Judiciary.
HB 207, introduced by McKenney, referred to Business, Labor, and Economic Affairs.
HB 212, introduced by Sesso, referred to Local Government.
HB 223, introduced by Jent, referred to Business, Labor, and Economic Affairs.
HB 226, introduced by McAlpin, referred to Local Government.
HB 250, introduced by Becker, referred to Public Health, Welfare and Safety.

HB 257, introduced by Branae, referred to Business, Labor, and Economic Affairs.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 3, introduced by Jackson, referred to Natural Resources.
HJR 5, introduced by Small-Eastman, referred to Agriculture, Livestock and Irrigation.

Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 114 - Senator Ellingson moved consideration of **SB 114** be placed below SB 380 on the second reading board. Motion carried.

SB 380 - Senator Tester moved **SB 380** do pass. Motion carried unanimously.

SB 114 - Senator Tester moved **SB 114** do pass. Motion carried unanimously.

SB 167 - Senator Mangan moved **SB 167** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Curtiss, Elliott, Esp, Harrington, Keenan, McGee, O'Neil, Shockley, Story, Tash, Toole.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 174 - Senator Kitzenberg moved **SB 174** do pass. Motion carried unanimously.

SB 281 - Senator Williams moved **SB 281** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Ellingson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

Majority Leader Ellingson moved the Senate recess. Motion carried.

Senate recessed 1:15 p.m.
Senate reconvened 2:45 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Balyeat, O'Neil, Shockley.
Total 3

Absent or not voting: Elliott, Harrington.
Total 2

Excused: None.
Total 0

Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 301 - Senator Story moved **SB 301** do pass. Motion carried with Senators Balyeat, Cobb, O'Neil, and Shockley voting nay.

SB 333 - Senator Smith moved **SB 333** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Grimes, McGee, O'Neil, Shockley, Stapleton.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Senator Williams moved **SB 335** do pass. Motion carried with Senators Barkus, Gebhardt, Lind, McGee, and Ryan voting nay.

SB 350 - Senator Cocchiarella moved **SB 350** do pass. Motion carried unanimously.

SB 370 - Senator Squires moved **SB 370** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, Grimes, Laible, O'Neil, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 378 - Senator Wheat moved **SB 378** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 383 - Senator Cocchiarella moved **SB 383** do pass. Motion carried unanimously.

SB 384 - Senator Gebhardt moved **SB 384** do pass. Motion carried unanimously.

SB 423 - Senator Tester moved consideration of **SB 423** be placed below SB 465 on the second reading board. Motion carried.

SB 388 - Senator Keenan moved **SB 388** do pass. Motion carried with Senators Hansen and Steinbeisser voting nay.

SB 402 - Senator Perry moved **SB 402** do pass. Motion carried with Senators Cocchiarella, Cromley, Mangan, and Moss voting nay.

SB 407 - Senator Grimes moved **SB 407** do pass. Motion carried with Senators Cocchiarella, Cromley, Larson, and Ryan voting nay.

SB 415 - Senator Tester moved **SB 415** do pass.

SB 415 - Senator Tester moved **SB 415**, second reading copy, be amended as follows:

1. Title, line 18 through line 19.
Strike: "AND" on line 18 through "PROVISION" on line 19

2. Page 2, line 8 through line 16.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

3. Page 3, line 16.
Strike: "(7)"
Insert: "(6)"

4. Page 3, line 17 through line 18.

Strike: "(7)(A)" on line 17 through "(7)(H)" on line 18
Insert: "(6)(a) through (6)(h)"

5. Page 3, line 28 through line 29.
Strike: "(8)(A)" on line 28 through "(8)(F)" on line 29
Insert: "(7)(a) through (7)(f)"

6. Page 4, line 12.
Strike: "(12)"
Insert: "(11)"

7. Page 5, line 5 through line 17.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

8. Page 6, line 2.
Strike: "(8)(A)(I) AND (8)(A)(II)"
Insert: "(7)(a)(i) and (7)(a)(ii)"

9. Page 6, line 15.
Strike: "(12)"
Insert: "(11)"

10. Page 6, line 23.
Strike: "(11)"
Insert: "(10)"

11. Page 9, line 2 through line 4.
Strike: section 11 in its entirety
Renumber: subsequent section

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 21

Absent or not voting: Hansen.
Total 1

Excused: Gillan.
Total 1

SB 415 - Senator Tester moved **SB 415**, as amended, do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 16

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 426 - Senator Stapleton moved **SB 426** do pass. Motion carried unanimously.

SB 428 - Senator Stapleton moved **SB 428** do pass. Motion carried with Senators Bales and O'Neil voting nay.

SB 429 - Senator Shockley moved **SB 429** do pass. Motion carried unanimously.

SB 443 - Senator Roush moved **SB 443** do pass. Motion carried unanimously.

SB 447 - Senator Ellingson moved **SB 447** do pass. Motion carried unanimously.

SB 451 - Senator Wheat moved **SB 451** do pass. Motion carried with Senators Balyeat and Lind voting nay.

SB 458 - Senator Schmidt moved consideration of **SB 458** be placed below SB 479 on the second reading board. Motion carried.

SB 454 - Senator Gebhardt moved **SB 454** do pass. Motion carried unanimously.

SB 459 - Senator Tropila moved **SB 459** do pass. Motion carried unanimously.

SB 461 - Senator Steinbeisser moved **SB 461** do pass. Motion carried unanimously.

SB 462 - Senator Bales moved **SB 462** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hawks, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Stapleton, Steinbeisser, Story, Tash.
Total 26

Nays: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.
Total 22

Absent or not voting: Mr. President.
Total 1

Excused: Gillan.
Total 1

SB 465 - Senator Tropila assumed the chair.

SB 465 - Senator Laslovich moved **SB 465** do pass. Motion carried unanimously.

SB 423 - Senator Laslovich moved **SB 423** do pass. Motion carried unanimously.

SB 478 - Senator Laslovich reassumed the chair.

SB 478 - Senator Gallus moved **SB 478** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry,

Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 479 - Senator Lind moved **SB 479** do pass. Motion carried unanimously.

SB 458 - Senator Schmidt moved consideration of **SB 458** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 481 - Senator Cocchiarella moved **SB 481** do pass.

SB 481 - Senator Wheat moved **SB 481**, second reading copy, be amended as follows:

1. Page 22, line 17.
Following: "are"
Strike: "more than 50% responsible for"
Insert: "the major contributing factor of"

2. Page 23, line 25.
Strike: "and (4)"
Insert: "through (5)"

3. Page 24, line 11.
Following: line 10
Insert: "(4) The insurer may, upon a reasonable showing by the claimant or a decedent's beneficiaries that the claimant or the beneficiaries could not have known that the claimant's condition or the employee's death was related to an occupational disease, waive the claim time requirement for up to an additional 2 years."
Renumber: subsequent subsection

Amendment **not** adopted as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Wheat, Williams, Mr. President.
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg.
Total 26

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 481 - Senator Cocchiarella moved **SB 481** do pass. Motion carried unanimously.

SB 486 - Senator Cocchiarella moved **SB 486** do pass.

SB 486 - Senator Cocchiarella moved **SB 486**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "BROKERS;"
Insert: "CLARIFYING THAT A LIFE INSURANCE PRODUCER MAY ACT AS A VIATICAL SETTLEMENT BROKER;"

2. Title, page 1, line 7.
Following: "SECTIONS"
Insert: "33-2-708,"
Following: "33-20-1303"
Insert: ","

3. Page 1.
Following: line 11
Insert: "Section 1. Section 33-2-708, MCA, is amended to read:

"**33-2-708. Fees and licenses.** (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of $1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, $100;

(B) biennial renewal of license, $50;

(C) lapsed license reinstatement fee, $100;

(ii) resident insurance producer's license lapsed license reinstatement fee, $100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, $50;

(B) biennial renewal of license, $100;

(C) lapsed license reinstatement fee, $200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, $50;

(B) biennial renewal of license, $100;

(C) lapsed license reinstatement fee, $200;

(v) insurance consultant's license:

(A) application for original license, including issuance of license, if issued, $50;

(B) biennial renewal of license, $100;

(C) lapsed license reinstatement fee, $200;

(vi) viatical settlement broker's license:

(A) application for original license, including issuance of license, if issued, $50;

(B) biennial renewal of license, $100;

(C) lapsed license reinstatement fee, $200;

~~(vi)~~(vii) resident and nonresident rental car entity producer's license:

(A) application for original license, including issuance of license, if issued, $100;

(B) quarterly filing fee, $25;

(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), $50;

~~(vii)~~(ix) 50 cents for each page for copies of documents on file in the commissioner's office.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of $75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than $1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) The commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109. All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 will be refunded.""
Renumber: subsequent sections

4. Page 1, line 19.
Following: "shall"
Insert: ":
(i)"

5. Page 1, line 20.
Following: "rule"
Strike: "."

Insert: "; and"

6. Page 1.
Following: line 20
Insert: "(ii) pay a fee for an original viatical settlement broker's license pursuant to 33-2-708. The fees for license renewal and lapsed license reinstatement for a viatical settlement broker's license are as provided in 33-2-708."

7. Page 1, line 23.
Strike: "has been"
Insert: "is"

8. Page 1, line 24.
Following: "home state"
Insert: "and has been licensed"

9. Page 1, lines 27 through 28.
Strike: ", not to exceed" on line 27 through "commissioner" on line 28
Insert: "pursuant to 33-2-708(1)(b)(viii)"

10. Page 1, line 29.
Strike: "; and"
Insert: "."

11. Page 2.
Following: line 2
Insert: "(c) If requested by the commissioner, a life insurance producer acting as a viatical settlement broker under this subsection (2) who has previously complied with subsection (2)(b)(i) shall report to the commissioner when renewing a resident or nonresident life insurance producer's license regarding the life insurance producer's intent to continue to act as a viatical settlement broker. The statement regarding an intent to continue acting as a viatical settlement broker must be made on the life insurance producer's license renewal form. A person who makes a statement pursuant to this subsection (2)(c) may not be charged an additional fee."
Renumber: subsequent subsection

12. Page 2, line 10.
Strike: "on forms prescribed"

Insert: "in a form approved"

13. Page 2.
Following: line 21
Insert: "(4) (a) An individual licensed as a viatical settlement broker must meet the continuing education requirements in 33-17-1203.

(b) The hours of continuing education required under subsection (4)(a) must be in the subjects of life insurance, viaticals, or ethics.

(c) For an individual licensed as a viatical settlement broker, the 24-month period for meeting the continuing education requirements must correlate with the broker's license renewal period.

(d) The viatical settlement broker's license of an individual who fails to comply with this continuing education requirement and who has not been granted an extension of time to comply in accordance with 33-17-1203(3) must be terminated and promptly surrendered to the commissioner."

14. Page 3, line 4.
Following: "than the"
Insert: "greater of the"
Following: "or"
Insert: "the"

15. Page 3, line 9.
Strike: "and"

16. Page 3, line 10.
Following: "~~and~~"
Insert: "; and
(c) the continuing education program provided for in 33-20-1303(4)"

Amendment adopted unanimously.

SB 486 - Senator Cocchiarella moved **SB 486**, as amended, do pass. Motion carried unanimously.

SB 487 - Senator Pease moved **SB 487** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 35

Nays: Balyeat, Barkus, Cobb, Cromley, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Mangan, O'Neil, Perry, Shockley, Steinbeisser, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 489 - Senator Lind moved **SB 489** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Harrington in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 143 passed as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Balyeat, Barkus, Brueggeman, Curtiss, Esp, Lewis, O'Neil, Perry, Roush, Shockley, Steinbeisser, Story, Tash.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 passed as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Roush, Ryan, Shockley, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, Lewis, O'Neil, Perry, Schmidt, Smith, Steinbeisser, Story, Tash, Williams.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 285 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires,

Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, Roush.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Curtiss, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 357 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 381 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 43

Nays: Ellingson, Harrington, Mangan, Moss, Schmidt, Smith, Williams.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith,

Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 48

Nays: Cobb, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 456 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Ellingson, Larson, Lewis, Moss, Squires.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 304 passed as follows:

Yeas: Bales, Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 31

Nays: Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Gebhardt, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash, Toole.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 passed as follows:

Yeas: Balyeat, Black, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Barkus, Brueggeman, Esp, Gebhardt, Hansen, Keenan, Laible, Mangan, McGee, Squires, Stapleton, Steinbeisser, Story.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 339 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Ryan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 349 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 377 passed as follows:

Yeas: Balyeat, Barkus, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story,

Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Bales, Black, Brueggeman, Curtiss.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 412 passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 40

Nays: Bales, Balyeat, Curtiss, Esp, Laible, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Keenan, Laible, McGee, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 434 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 466 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 470 passed as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Black, Cobb, Cromley, Keenan, Mangan, Stapleton.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 472 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 43

Nays: Cobb, Cocchiarella, Gillan, Larson, Ryan, Squires, Williams.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 17 adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 38

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Gebhardt, Keenan, Laible, McGee, O'Neil, Steinbeisser.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 18 adopted as follows:

Yeas: Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 28

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tropila.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 19 adopted as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 40

Nays: Bales, Barkus, Black, Brueggeman, Esp, Keenan, Lewis, Stapleton, Steinbeisser, Story.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 21 adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, Esp, O'Neil, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 22 adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, Esp, O'Neil, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 3 adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Cocchiarella, Curtiss, Esp, Essmann, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Squires introduced the pages for the week by reading the following remarks:

"Robert Dunn:

Robert is sponsored by Senator Wheat, and is a senior at Bozeman high school. While at school Robert participates in track and winter track, key club, and Eagle Mount. He also serves as a teacher's aide."

"Justin Folsom:
Justin is from Helena and is sponsored by Senator Toole. He is a member of the tennis team, chess club and 3-7-77's, a service club at Helena High. He also has served as part of the Ukraine Exchange program."

"Madeline Forbis:
Madeline is sponsored by Senator Brueggeman and is a senior at Polson High School. She is a member of the tennis team, and served on the Board of Governors. She is also involved in Key Club, yearbook and migrant education outreach."

"Rachel Hansen:
Rachel is sponsored by her uncle Senator Hansen. She is a senior at Chinook high school. Rachel participates in swimming, tennis, pep club and pep band, basketball, and volleyball. She is a member of National Honors society, and has spent countless hours volunteering at the Sweet Medical Center. She also works as a lifeguard, and webmaster for the Sweet Medical Center."

"Erin Hatch:
Erin is a senior at Darby Consolidated School and is sponsored by Senator Liable. She is involved in high school drama, drama club, and student council. She has also participated in model UN and Youth Legislature.

"Lara Hatch:
Senator Liable sponsors Lara, a senior at Darby High School. While at school she is involved in Rodeo, National Honors Society, and Student Council. She has also participated in Youth Legislature and Model UN."

"Kala Jones:
Kala is sponsored by Senator Squires. She is a junior at Capitol High School here in Helena. She plays on the high school softball team and is a member of student council. She is looking forward to an exciting week of paging."

"Nicholas Schwaderer:
Nicholas is a junior at St. Regis School, and is sponsored by Senator Elliott. He is involved with the Business Professionals of America, and Drug Free Youth of Montana. Nicholas is participant in the Heroes program, which is a mentoring program for local youth and teens. He also is a member of the football and golf teams."

A special presentation was given be an Abraham Lincoln impersonator (a.k.a.Harry Fritz) in honor of President's Day.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Tuesday, February 22, 2005. Motion carried.

Senate adjourned at 7:32 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate

SENATE JOURNAL
59TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2005 — State Capitol

Senate convened at 8:00 a.m. President Tester presiding. Invocation by Fr. Steve Brehe. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb, Gillan, and Grimes, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb, Gillan, Grimes.
Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 2/22/2005
Correctly printed: **SB 263**, **SB 302**, **SB 311**, **SB 359**, **SB 363**, **SB 364**, **SB 396**, **SB 431**, **SB 435**, **SB 440**, **SB 449**, **SB 452**, **SB 457**, **SB 458**, **SB 460**, **SB 468**, **SB 494**, **SB 495**, **SB 497**, **SB 500**, **SB 503**, **SJR 12**, **SJR 24**, **SJR 26**, **SJR 27**, **SJR 28**.
Correctly engrossed: **SB 2**, **SB 34**, **SB 419**.
Examined by the sponsor and found to be correct: **SR 3**.
Signed by the President at 4:24 p.m., February 22, 2005: **SR 3**.
Signed by the Secretary of the Senate at 4:20 p.m., February 22, 2005: **SR 3**.
Delivered to the Secretary of State at 1:25 p.m., February 22, 2005: **SR 3**.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/22/2005

HB 376, introduced by Harris
HB 418, introduced by Keane
HB 429, introduced by Gutsche
HB 450, introduced by Jopek
HB 492, introduced by Morgan
HB 520, introduced by Furey
HB 537, introduced by Wanzenried
HB 556, introduced by Noonan
HB 557, introduced by Butcher
HB 559, introduced by Lake
HB 564, introduced by Witt
HB 567, introduced by Windham
HB 574, introduced by Branae
HB 590, introduced by Buzzas
HB 598, introduced by Gallik

HB 612, introduced by Maedje
HB 615, introduced by Harris
HB 623, introduced by MacLaren
HB 631, introduced by Stahl
HB 636, introduced by Stahl
HB 638, introduced by Arntzen
HB 647, introduced by Mendenhall
HB 684, introduced by Maedje
HB 701, introduced by Noennig
HB 709, introduced by Raser
HB 743, introduced by Harris

House joint resolutions passed and transmitted to the Senate for concurrence: 2/22/2005

HJR 13, introduced by Clark
HJR 16, introduced by Groesbeck
HJR 17, introduced by McAlpin
HJR 18, introduced by Himmelberger
HJR 19, introduced by Matthews
HJR 24, introduced by Bergren

House bills passed and transmitted to the Senate for concurrence: 2/22/2005

HB 310, introduced by Glaser
HB 420, introduced by Wagman
HB 454, introduced by Peterson
HB 474, introduced by Buzzas
HB 630, introduced by Mendenhall
HB 653, introduced by Becker
HB 668, introduced by Noonan
HB 678, introduced by Cohenour
HB 681, introduced by Raser
HB 702, introduced by Malcolm
HB 712, introduced by Heinert
HB 726, introduced by Gutsche
HB 730, introduced by Lange
HB 746, introduced by Klock
HB 747, introduced by Driscoll

House joint resolutions passed and transmitted to the Senate for concurrence: 2/22/2005

HJR 11, introduced by Windy Boy
HJR 22, introduced by Peterson
HJR 29, introduced by Rice

MOTIONS

Senator Weinberg moved that the Senate Rules be suspended for the purpose of late introduction of a resolution. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 48

Nays: Story.
Total 1

Absent or not voting: Williams.
Total 1

Excused: None.
Total 0

Senator Larson moved his vote on **SB 470** be changed from "nay" to "aye". Motion carried.

Senator Grimes moved **SB 495** be blasted from Senate State Administration to 2nd Reading. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Keenan, Laible, Larson, Lewis, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Weinberg, Mr. President.
Total 34

Nays: Cocchiarella, Cromley, Elliott, Hansen, Hawks, Kitzenberg, Laslovich, Lind, Mangan, Ryan, Squires, Toole, Tropila, Wheat, Williams.
Total 15

Absent or not voting: McGee.
Total 1

Excused: None.
Total 0

Senator Lind moved **SB 364** be blasted from Senate Energy and Telecommunications to 2nd Reading. Motion carried as follows:

Yeas: Balyeat, Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 26

Nays: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, O'Neil, Perry, Roush, Ryan, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: McGee.
Total 1

Excused: None.
Total 0

Senator Shockley moved **SB 400** be blasted from Senate Judiciary to 2nd Reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 25

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Squires moved her vote on **SB 462** be changed from "ay" to "nay". Motion carried.

Majority Leader Ellingson moved the Senate recess for the purpose of caucus and reconvene at 9:00 a.m. Motion carried.

Senate recessed 8:40 a.m.
Senate reconvened 9:10 a.m.

Roll Call. All members present except, Cromley, Ellingson, Gallus, Grimes, Schmidt, Williams. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 41

Nays: Balyeat, Essmann, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Cromley, Ellingson, Gallus, Grimes, Schmidt, Williams.
Total 6

Senator Squires moved to blast **SB 263** from Senate Education and Cultural Resources to 2nd Reading. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Essmann, Grimes, Keenan, Laible, Lewis, McGee, Perry, Shockley, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

Majority Leader Ellingson moved that the Senate recess until 3:00 p.m. Motion carried.

Senate recessed 12:53 p.m.
Senate reconvened 3:02 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Ellingson moved the Senate recess for twenty minutes to caucus. Motion carried.

Senate recessed 3:05p.m.
Senate reconvened 3:25 p.m.

Roll Call. All members present, except Curtiss, Elliott, Williams. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 45

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Curtiss, Elliott, Williams.
Total 3

Senator Cooney moved that **SB 439** and **SB 445** be referred to Senate Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 14, introduced by Golie, referred to Fish and Game.
HB 16, introduced by Ripley, referred to Education and Cultural Resources.
HB 24, introduced by Golie, referred to Judiciary.
HB 25, introduced by Roberts, referred to Judiciary.
HB 26, introduced by Golie, referred to Judiciary.
HB 44, introduced by Dickenson, referred to Finance and Claims.
HB 46, introduced by Parker, referred to Judiciary.
HB 63, introduced by Villa, referred to Education and Cultural Resources.
HB 64, introduced by R. Brown, referred to Judiciary.
HB 70, introduced by Stahl, referred to Local Government.
HB 71, introduced by Lake, referred to Business, Labor, and Economic Affairs.
HB 73, introduced by Buzzas, referred to Local Government.
HB 79, introduced by Golie, referred to Fish and Game.
HB 80, introduced by Campbell, referred to Judiciary.
HB 97, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.
HB 98, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.
HB 100, introduced by Maedje, referred to Judiciary.
HB 104, introduced by Lenhart, referred to State Administration.
HB 105, introduced by Parker, referred to Local Government.
HB 116, introduced by Barrett, referred to Finance and Claims.
HB 127, introduced by Mendenhall, referred to Judiciary.
HB 153, introduced by Noennig, referred to Energy and Telecommunications.
HB 156, introduced by Henry, referred to Business, Labor, and Economic Affairs.
HB 171, introduced by Cohenour, referred to Taxation.

HB 177, introduced by A. Olson, referred to State Administration.
HB 182, introduced by Roberts, referred to Business, Labor, and Economic Affairs.
HB 183, introduced by Franklin, referred to Public Health, Welfare and Safety.
HB 184, introduced by McAlpin, referred to Education and Cultural Resources.
HB 186, introduced by Bergren, referred to Highways and Transportation.
HB 187, introduced by Bergren, referred to Highways and Transportation.
HB 192, introduced by Waitschies, referred to Highways and Transportation.
HB 197, introduced by Jayne, referred to Judiciary.
HB 199, introduced by A. Olson, referred to Energy and Telecommunications.
HB 203, introduced by Roberts, referred to Business, Labor, and Economic Affairs.
HB 206, introduced by Noonan, referred to Natural Resources.
HB 208, introduced by Kaufmann, referred to Fish and Game.
HB 211, introduced by Parker, referred to State Administration.
HB 213, introduced by Gallik, referred to Business, Labor, and Economic Affairs.
HB 215, introduced by Caferro, referred to Public Health, Welfare and Safety.
HB 216, introduced by Caferro, referred to Judiciary.
HB 218, introduced by B. Olson, referred to Local Government.
HB 220, introduced by Lake, referred to Local Government.
HB 222, introduced by Roberts, referred to Judiciary.
HB 224, introduced by Ross, referred to Highways and Transportation.
HB 227, introduced by Galvin-Halcro, referred to Taxation.
HB 230, introduced by Jacobson, referred to Local Government.
HB 232, introduced by Noennig, referred to Judiciary.
HB 234, introduced by Lange, referred to Local Government.
HB 242, introduced by Lambert, referred to Fish and Game.
HB 244, introduced by Lambert, referred to State Administration.
HB 245, introduced by MacLaren, referred to Judiciary.
HB 254, introduced by Harris, referred to Public Health, Welfare and Safety.
HB 255, introduced by Roberts, referred to Public Health, Welfare and Safety.
HB 262, introduced by Lange, referred to Judiciary.
HB 266, introduced by Rice, referred to Highways and Transportation.
HB 269, introduced by Clark, referred to Fish and Game.
HB 273, introduced by Lambert, referred to Highways and Transportation.
HB 274, introduced by Peterson, referred to Agriculture, Livestock and Irrigation.
HB 275, introduced by Jacobson, referred to Highways and Transportation.
HB 280, introduced by Wagman, referred to Judiciary.
HB 281, introduced by Wagman, referred to Fish and Game.
HB 283, introduced by Jopek, referred to Local Government.
HB 285, introduced by Taylor, referred to Judiciary.
HB 295, introduced by Galvin-Halcro, referred to Judiciary.
HB 297, introduced by Wiseman, referred to State Administration.
HB 298, introduced by Clark, referred to Fish and Game.
HB 300, introduced by Gallik, referred to Business, Labor, and Economic Affairs.
HB 301, introduced by Galvin-Halcro, referred to Finance and Claims.
HB 304, introduced by Rice, referred to Judiciary.
HB 306, introduced by Gallik, referred to State Administration.
HB 307, introduced by Parker, referred to Judiciary.
HB 308, introduced by Malcolm, referred to Natural Resources.
HB 312, introduced by Golie, referred to Natural Resources.
HB 313, introduced by Sesso, referred to Public Health, Welfare and Safety.
HB 317, introduced by Hamilton, referred to Education and Cultural Resources.
HB 318, introduced by McKenney, referred to Public Health, Welfare and Safety.
HB 321, introduced by Facey, referred to Local Government.
HB 324, introduced by Driscoll, referred to Judiciary.
HB 331, introduced by Wanzenried, referred to Judiciary.
HB 345, introduced by Gallik, referred to Judiciary.
HB 346, introduced by Golie, referred to State Administration.
HB 347, introduced by Gutsche, referred to Natural Resources.
HB 348, introduced by Buzzas, referred to Business, Labor, and Economic Affairs.

HB 349, introduced by A. Olson, referred to Judiciary.
HB 351, introduced by Butcher, referred to Agriculture, Livestock and Irrigation.
HB 354, introduced by Noennig, referred to Judiciary.
HB 356, introduced by Noonan, referred to Public Health, Welfare and Safety.
HB 359, introduced by Gutsche, referred to Local Government.
HB 363, introduced by Eaton, referred to Judiciary.
HB 365, introduced by Maedje, referred to Local Government.
HB 366, introduced by Koopman, referred to Judiciary.
HB 367, introduced by Parker, referred to Judiciary.
HB 370, introduced by Gallik, referred to Natural Resources.
HB 371, introduced by Lambert, referred to Local Government.
HB 377, introduced by Keane, referred to Highways and Transportation.
HB 381, introduced by Callahan, referred to Business, Labor, and Economic Affairs.
HB 386, introduced by Sinrud, referred to State Administration.
HB 390, introduced by Villa, referred to Fish and Game.
HB 396, introduced by Becker, referred to Public Health, Welfare and Safety.
HB 397, introduced by Jackson, referred to Education and Cultural Resources.
HB 400, introduced by Keane, referred to Business, Labor, and Economic Affairs.
HB 401, introduced by Keane, referred to Business, Labor, and Economic Affairs.
HB 409, introduced by Golie, referred to Judiciary.
HB 411, introduced by Wells, referred to State Administration.
HB 425, introduced by Parker, referred to Judiciary.
HB 427, introduced by Grinde, referred to State Administration.
HB 431, introduced by Raser, referred to Local Government.
HB 436, introduced by Himmelberger, referred to Education and Cultural Resources.
HB 437, introduced by Caferro, referred to Public Health, Welfare and Safety.
HB 439, introduced by Wiseman, referred to Taxation.
HB 451, introduced by Sonju, referred to Highways and Transportation.
HB 452, introduced by Windy Boy, referred to Finance and Claims.
HB 457, introduced by Noennig, referred to Public Health, Welfare and Safety.
HB 473, introduced by Parker, referred to Judiciary.
HB 478, introduced by Warden, referred to Highways and Transportation.
HB 483, introduced by Bergren, referred to Business, Labor, and Economic Affairs.
HB 493, introduced by Noonan, referred to Finance and Claims.
HB 508, introduced by Hendrick, referred to Local Government.
HB 530, introduced by Matthews, referred to State Administration.
HB 562, introduced by Franklin, referred to Judiciary.
HB 587, introduced by Bergren, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 4, introduced by Peterson, referred to Natural Resources.
HJR 6, introduced by Windy Boy, referred to Agriculture, Livestock and Irrigation.
HJR 12, introduced by Hamilton, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 376, introduced by Harris, referred to State Administration.
HB 418, introduced by Keane, referred to Business, Labor, and Economic Affairs.
HB 429, introduced by Gutsche, referred to Judiciary.
HB 450, introduced by Jopek, referred to Education and Cultural Resources.
HB 492, introduced by Morgan, referred to Highways and Transportation.
HB 520, introduced by Furey, referred to Judiciary.
HB 537, introduced by Wanzenried, referred to Business, Labor, and Economic Affairs.
HB 556, introduced by Noonan, referred to Public Health, Welfare and Safety.
HB 557, introduced by Butcher, referred to Business, Labor, and Economic Affairs.
HB 559, introduced by Lake, referred to Business, Labor, and Economic Affairs.
HB 564, introduced by Witt, referred to Local Government.
HB 567, introduced by Windham, referred to Business, Labor, and Economic Affairs.

HB 574, introduced by Branae, referred to Education and Cultural Resources.
HB 590, introduced by Buzzas, referred to State Administration.
HB 598, introduced by Gallik, referred to Judiciary.
HB 612, introduced by Maedje, referred to Natural Resources.
HB 615, introduced by Harris, referred to Judiciary.
HB 623, introduced by MacLaren, referred to Education and Cultural Resources.
HB 631, introduced by Stahl, referred to Business, Labor, and Economic Affairs.
HB 636, introduced by Stahl, referred to Local Government.
HB 638, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.
HB 647, introduced by Mendenhall, referred to Business, Labor, and Economic Affairs.
HB 684, introduced by Maedje, referred to Highways and Transportation.
HB 701, introduced by Noennig, referred to Judiciary.
HB 709, introduced by Raser, referred to State Administration.
HB 743, introduced by Harris, referred to Local Government.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 13, introduced by Clark, referred to Natural Resources.
HJR 16, introduced by Groesbeck, referred to Business, Labor, and Economic Affairs.
HJR 17, introduced by McAlpin, referred to Education and Cultural Resources.
HJR 18, introduced by Himmelberger, referred to Natural Resources.
HJR 19, introduced by Matthews, referred to State Administration.
HJR 24, introduced by Bergren, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 458 - Senator Gillan moved **SB 458** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Esp, Gallus, Gebhardt, Gillan, Grimes, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, McGee, Perry, Ryan, Smith, Stapleton, Steinbeisser, Story, Williams.
Total 25

Nays: Balyeat, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Essmann, Hansen, Harrington, Laslovich, Moss, O'Neil, Pease, Roush, Schmidt, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 23

Absent or not voting: Cooney, Shockley.
Total 2

Excused: None.
Total 0

SB 500 - Senator Cobb moved **SB 500** do pass. Motion carried unanimously.

SB 503 - Senator Tropila moved **SB 503** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Keenan, Larson, Laslovich, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams.
Total 37

Nays: Black, Brueggeman, Cobb, Curtiss, Grimes, Harrington, Kitzenberg, Laible, Lewis, Lind, Moss, Weinberg, Mr.

President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 24 - Senator Barkus moved **SJR 24** be adopted. Motion carried with Senators Balyeat and Esp voting nay.

SJR 28 - Senator Squires moved **SJR 28** be adopted. Motion carried unanimously.

SB 371 - Senator Harrington moved **SB 371** do pass. Motion **failed** as follows:

Yeas: Cobb, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Lind, Moss, Pease, Roush, Schmidt, Toole, Tropila, Wheat, Williams, Mr. President.
Total 18

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, O'Neil, Perry, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Weinberg.
Total 30

Absent or not voting: None.
Total 0

Excused: Cooney, Laslovich.
Total 2

SB 371 - Senator Tash moved **SB 371** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Mr. President.
Total 33

Nays: Cooney, Cromley, Ellingson, Elliott, Gallus, Harrington, Lind, Moss, Pease, Schmidt, Smith, Toole, Tropila, Weinberg, Wheat, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: Laslovich.
Total 1

SB 405 - Senator Bales moved **SB 405** do pass. Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Curtiss, Esp, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 19

Nays: Balyeat, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 30

Absent or not voting: None.

Total 0

Excused: Shockley.
Total 1

SB 405 - Senator Laslovich moved **SB 405** be **indefinitely postponed**. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 16

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

SB 449 - Senator Roush moved **SB 449** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Keenan, Kitzenberg, Laible, Lewis, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Tash, Tropila.
Total 35

Nays: Cooney, Ellingson, Harrington, Hawks, Larson, Laslovich, Moss, Shockley, Squires, Story, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 494 - Senator Bales moved **SB 494** do pass. Motion carried with Senators Smith, Toole, and Williams voting nay.

SB 302 - Senator Ellingson moved **SB 302** do pass. Motion carried unanimously.

SB 311 - Senator Grimes moved **SB 311** do pass. Motion carried unanimously.

SB 359 - Senator Story moved **SB 359** do pass. Motion carried unanimously.

SB 457 - Senator Gebhardt moved **SB 457** do pass. Motion carried unanimously.

SB 396 - Senator Ellingson moved consideration of **SB 396** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 497 - Senator Tropila moved **SB 497** do pass. Motion carried unanimously.

SB 363 - Senator Williams moved **SB 363** do pass. Motion carried unanimously.

SB 34 - Senator Cobb moved **SB 34** do pass.

SB 34 - Senator Toole moved **SB 34**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "2009;"
Insert: "MAKING DECEMBER 31, 2004, THE BASE DATE FOR CALCULATING UNIVERSAL SYSTEM BENEFITS FUNDING;"

2. Page 1, line 15.
Following: "1999"
Insert: ", through September 30, 2005"

3. Page 1, line 17.
Following: "programs."
Insert: "Beginning October 1, 2005, the funding level for universal system benefits programs is 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 2004."
Following: "basis"
Strike: "in 1999"

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Laslovich, Lind, Mangan, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Keenan, Kitzenberg, Laible, Larson, Lewis, McGee, O'Neil, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: None.
Total 0

Excused: Grimes.
Total 1

SB 34 - Senator Cobb moved **SB 34**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 419 - Senator Ryan moved **SB 419** do pass.

SB 419 - Senator Ryan moved **SB 419**, second reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "35"
Insert: "40"

2. Page 1, line 18.
Strike: "AND"

3. Page 1.
Following: line 18
Insert: "(b) the trip from the nearest elementary school building to the nearest accessible high school is 60 minutes or more over the shortest passable route;
(c) periodically during the school year, the condition of the road makes it impractical to attend the nearest accessible high school; and"
Renumber: subsequent subsection

4. Page 1, line 19.
Strike: "25"
Insert: "50"
Following: "STUDENTS"
Insert: "within 3 years after the effective date of the creation of the new district"

Amendment adopted unanimously.

SB 419 - Senator Ryan moved **SB 419**, as amended, do pass. Motion carried unanimously.

SB 452 - Senator Perry moved **SB 452** do pass. Motion carried as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 39

Nays: Bales, Balyeat, Black, Cobb, Gallus, Laslovich, Lind, McGee, Ryan, Shockley.
Total 10

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

SB 460 - Senator Weinberg moved **SB 460** do pass. Motion carried unanimously.

SB 468 - Senator Mangan moved **SB 468** do pass. Motion carried with Senators Cromley and Gallus voting nay.

SJR 27 - Senator Harrington moved **SJR 27** be adopted. Motion carried unanimously.

SB 396 - Senator Joe Balyeat moved **SB 396** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Keenan, Laible, Laslovich, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Mr. President.
Total 25

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat.
Total 24

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

Senator Ellingson moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 2 - Senator Laible moved **SB 2** do pass.

SB 2 - Senator Laible moved **SB 2**, second reading copy, be amended as follows:

1. Title, line 4.
Following: the second "AN ACT"
Strike: "ENCOURAGING"
Insert: "RECOGNIZING THE AUTHORITY OF"

2. Title, line 5.
Following: "GOVERNMENT"
Strike: "TO EXERCISE THEIR CONSTITUTIONAL AUTHORITY"

3. Page 1, line 15.
Following: "**land**"
Strike: "**encouraged**"

4. Page 1, line 15 through line 16.
Following: "(1)" on line 15
Strike: remainder of line 15 through "each" on line 16
Insert: "Subject to the provisions of subsection (3), a"

5. Page 1, line 16.
Following: "government"
Strike: "to exercise its constitutional right to"
Insert: "may"

Amendment adopted unanimously.

SB 2 - Senator Laible moved **SB 2**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Kitzenberg, Laible, Laslovich, Lewis, McGee, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat.
Total 33

Nays: Cocchiarella, Cromley, Ellingson, Gallus, Gillan, Harrington, Hawks, Larson, Lind, Mangan, Moss, Ryan, Squires, Toole, Weinberg, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 364 - Senator Lind moved **SB 364** do pass.

SB 364 - Senator Lind moved **SB 364**, second reading copy, be amended as follows:

1. Page 1, line 23.
Following: "(2)"
Insert: "to the extent that it is practical,"

2. Page 1, line 30.
Following: "consumers"
Insert: "through publicly available data and utility data as long as it does not put an undue burden on consumers and the utility"

3. Page 7, line 11.
Following: "(a)"
Insert: "using public and utility data, "

Amendment adopted unanimously.

SB 364 - Senator Lind moved **SB 364**, second reading copy, be further amended as follows:

1. Page 2, line 5.
Following: "sales"
Insert: "to retail customers"

2. Page 2, line 22.
Following: "sales"
Insert: "to retail customers"

3. Page 3, line 13.
Following: "sales"
Insert: "to retail customers"

4. Page 3, line 17.
Strike: "2006"
Insert: "2007"

5. Page 3, line 27.
Following: "customers"
Strike: "not less than four times each year"
Insert: "every sixth billing cycle or annually, whichever is more frequent"

6. Page 6, line 25.
Strike: "April"
Insert: "March"

7. Page 7, line 1.
Strike: "April"
Insert: "March"

8. Page 7, line 16.
Strike: "April"
Insert: "March"

Amendment adopted unanimously.

SB 364 - Senator Lind moved **SB 364**, as amended, do pass. Motion **failed** as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Ryan, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - Senator Bales moved **SB 364** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Mr. President.
Total 33

Nays: Cooney, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Smith, Squires, Toole, Weinberg, Wheat, Williams.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 431 - Senator Barkus moved **SB 431** do pass. Motion carried unanimously.

SB 435 - Senator Wheat moved **SB 435** do pass. Motion carried unanimously.

SB 439 - Senator Gebhardt moved **SB 439** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Smith, Squires, Tash, Toole, Tropila, Wheat, Williams.
Total 31

Nays: Balyeat, Cooney, Curtiss, Ellingson, Esp, Essmann, Grimes, Keenan, Lewis, McGee, O'Neil, Perry, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Weinberg, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 440 - Senator Harrington moved **SB 440** do pass. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 32

Nays: Balyeat, Barkus, Black, Curtiss, Elliott, Essmann, Laible, Lind, Mangan, McGee, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: Perry.
Total 1

Excused: None.
Total 0

SB 445 - Senator McGee moved **SB 445** do pass. Motion carried with Senators Cobb, Cocchiarella, Hansen, Lind, O'Neil, Ryan, and Weinberg voting nay.

SB 495 - Senator Grimes moved **SB 495** do pass. Motion **failed** as follows:

Yeas: Balyeat, Barkus, Cobb, Cooney, Cromley, Curtiss, Ellingson, Essmann, Gallus, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Mr. President.
Total 21

Nays: Bales, Black, Brueggeman, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 495 - Senator Grimes moved **SB 495** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann,

Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Cobb, Curtiss, Gillan, O'Neil.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 26 - Senator Curtiss moved **SJR 26** be adopted. Motion carried unanimously.

SB 263 - Senator Squires moved **SB 263** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp.
Total 1

Absent or not voting: Cooney.
Total 1

Excused: None.
Total 0

SB 258 - Senator Wheat moved **SB 258** do pass.

SB 258 - Senator Wheat moved **SB 258**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "~~REVISED DEFINITIONS;~~"
Insert: "REVISING CERTAIN DEFINITIONS; INCLUDING COAL BED METHANE OPERATIONS;"

2. Title, line 19.
Following: "~~AND~~"
Strike: "PAID THE SURFACE OWNER AND POSTED A BOND"
Insert: "FURNISHED A REASONABLE SECURITY DEPOSIT"

3. Title, line 23.
Following: "~~82-10-502,~~"
Insert: "82-10-502,"

4. Page 2, line 25.
Following: "AFTER"
Insert: "giving"
Following: "AND"
Strike: "POSTING A BOND"
Insert: "furnishing a security deposit"

5. Page 3, line 15.
Following: line 14

Insert: "Section 2. Section 82-10-502, MCA, is amended to read:

"82-10-502. Definitions. As used in this part, the following definitions apply:

(1) "Agricultural production" means the production of any growing grass, crops, or trees attached to the surface of the land or farm animals with commercial value.

(2) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

~~(2)~~(3) "Oil and gas developer or operator" means the person who acquires the oil and gas lease for the purpose of extracting oil and gas, including coal bed methane.

~~(3)~~(4) "Oil and gas estate" means an estate in or ownership of all or part of the oil and gas, including coal bed methane, underlying a specified tract of land.

~~(4)~~(5) "Oil and gas operations" means the exploration for or drilling of an oil and gas well or a coal bed methane well that requires entry upon the surface estate and is begun subsequent to June 1, 1981, and the production operations directly related to the exploration or drilling.

~~(5)~~(6) "Surface owner" means the person who holds record title to or has a purchaser's interest in the surface of the land.""

Renumber: subsequent sections

6. Page 4, line 2.
Strike: "45"
Insert: "30"

7. Page 5, line 21.
Following: "(3)"
Strike: "(A)"

8. Page 5, line 22 through line 30.
Following: "THEN THE" on line 22
Strike: remainder of line 22 through "[SECTION 9]" on line 30
Insert: "oil and gas developer or operator shall furnish a reasonable security deposit with the board under [section 9]"

9. Page 6, line 23 through line 24.
Following: "board" on line 23
Strike: remainder of line 23 through "chapter 11," on line 24

10. Page 6, line 29.
Following: "OPERATOR"
Strike: "PAYS THE SURFACE OWNER AND POSTS A BOND UNDER 82-10-504 AND"
Insert: "furnishes a reasonable security deposit under"

11. Page 7, line 7 through line 18.
Strike: section 6 in its entirety
Renumber: subsequent sections

12. Page 9, line 24.
Strike: "WRONGFULLY"
Insert: "intentionally"

13. Page 9, line 25.
Following: "82-10-503;"
Insert: "and"

14. Page 9, line 26.
Following: "owner"
Insert: "under 82-10-504"

15. Page 9, line 28.
Strike: subsection (c) in its entirety
Insert: "(c) furnishing a reasonable security deposit with the board under [section 9]."

16. Page 10, line 12 through line 13.
Following: "HAS" on line 12
Strike: remainder of line 12 through "82-10-504" on line 13
Insert: "furnished a reasonable security deposit with the board under [section 9]"

17. Page 10, line 15.
Following: "**9.**"
Strike: "**SURETY BOND OR GUARANTY**"
Insert: "**Security deposit**"

18. Page 10, line 16.
Following: line 15
Strike: "SURETY BOND OR OTHER GUARANTY"
Insert: "security deposit"
Following: "BE"
Strike: "EXECUTED"
Insert: "furnished"

19. Page 10, line 17.
Following: "OPERATOR"
Strike: "OR A BONDING COMPANY"
Insert: "in a form"
Following: "BOARD"
Insert: ", as required under subsection (2)"

20. Page 10, line 18 through line 21.
Strike: subsection (2) in its entirety
Insert: "(2)(a) When the oil and gas developer or operator and surface owner are unable to agree on the amount of compensation for disruption and damages under 82-10-504, then the oil and gas developer or operator shall furnish a reasonable security deposit with the board.
(b) The security deposit must be in an amount not to exceed
(i) $15,000 for each coal bed methane well;
(ii) $6,500 for any other gas well deeper than 3,500 feet;
(iii) $2,500 for any other gas well less than 3,500 feet.
(c) As used in this subsection (2), "reasonable security deposit" means a surety bond, a letter of credit from a banking institution, cash, or a certificate of deposit."

21. Page 10, line 22.
Following: the first "THE"
Strike: "SURETY BOND OR OTHER GUARANTY"
Insert: "security deposit"

22. Page 10, line 23.
Following: "THE"
Strike: "SURETY BOND OR OTHER ACCEPTABLE GUARANTY"
Insert: "security deposit"

23. Page 10, line 24.
Following: "OF THE"
Strike: "BOND OR GUARANTY"
Insert: "security deposit"

24. Page 10, line 26.
Following: "ACCEPTABLE"
Strike: "SURETY BOND OR OTHER GUARANTY"
Insert: "security deposit"

25. Page 10, line 30.
Following: "ANY"

Strike: "SURETY BOND OR OTHER GUARANTY"
Insert: "security deposit"

26. Page 11, line 4.
Following: "ANY"
Strike: "SURETY BOND OR GUARANTY EXECUTED"
Insert: "security deposit furnished"

Amendment adopted unanimously.

SB 258 - Senator Wheat moved **SB 258**, as amended, do pass. Motion **failed** as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 - Senator Bales moved **SB 258** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Laslovich, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Wheat.
Total 28

Nays: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lind, Moss, Pease, Smith, Squires, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 43 passed as follows:

Yeas: Black, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gillan, Grimes, Harrington, Hawks, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Esp, Gallus, Gebhardt, Hansen, Keenan, Kitzenberg, McGee, O'Neil, Pease, Perry, Shockley, Stapleton, Steinbeisser, Story, Tropila.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 167 passed as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Black, Cobb, Curtiss, Elliott, Esp, Keenan, McGee, O'Neil, Shockley, Story, Tash, Toole.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 174 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 passed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Roush, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 301 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, Cobb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Mangan, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Barkus, Curtiss, Gebhardt, Laible, Lind, McGee, Ryan.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 350 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 48

Nays: Balyeat, Cobb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 passed as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 42

Nays: Balyeat, Black, Curtiss, Grimes, Laible, O'Neil, Shockley, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 378 passed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 380 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: McGee, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 383 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams, Mr. President.
Total 44

Nays: Cocchiarella, Gallus, Laslovich, Mangan, Ryan, Weinberg.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 388 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires,

Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Hansen, Steinbeisser.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 402 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 42

Nays: Cocchiarella, Cromley, Gillan, Larson, Mangan, Moss, Ryan, Smith.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 407 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Cocchiarella, Cromley, Harrington, Mangan, Ryan, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 passed as follows:

Yeas: Brueggeman, Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 32

Nays: Bales, Balyeat, Barkus, Black, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 443 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires,

Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: O'Neil, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 447 passed as follows:

Yeas: Bales, Balyeat, Barkus, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Black, Brueggeman, Curtiss, Keenan, McGee.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 451 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, Curtiss, Lind, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 454 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 459 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 461 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 462 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Harrington, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Pease, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.
Total 29

Nays: Cobb, Cooney, Cromley, Ellingson, Gallus, Hansen, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Roush, Schmidt, Smith, Squires, Toole, Tropila, Wheat, Williams, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 465 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith,

Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Elliott.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 478 passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 35

Nays: Bales, Balyeat, Barkus, Curtiss, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 479 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 481 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 487 passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Balyeat, Barkus, Cobb, Cromley, Gebhardt, Keenan, Laible, Mangan, O'Neil, Shockley, Stapleton, Steinbeisser.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 489 passed as follows:

Yeas: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Hansen, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

President Tester appointed Senator Weinberg and Senator Esp to the newly formed Joint Select Committee on Mental Health.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Wednesday, February 23, 2005. Motion carried.

Senate adjourned at 7:19 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate

EXHIBIT 1
DATE 3.15.05
SB 350

MISSOULA

OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 258-4614 • FAX: (406) 327-2105
EMAIL: attorney@ci.missoula.mt.us

March 15, 2005

Re: SB 350 providing that divisions of land that are exempt from review as subdivisions are subject to applicable local zoning regulations

Honorable State Representatives:

SB 350 is requested in order to provide a statutory standard or guideline for subdivision exemption pursuant to Mont. Code Ann. § 76-3-207 of the Montana Subdivision and Platting Act.

The introductory paragraph to Mont. Code Ann. § 76-3-207 provides:

> **76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions -- fees for examination of division.** (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions: (Emphasis added.)

The chapter referred to in the above quote is Title 76, chapter 3, the Montana Subdivision and Platting Act. Zoning is not a subdivision regulation. Zoning regulations are distinctly different from subdivision regulations.

The Montana Supreme Court held in Hampton v. Lewis & Clark County, 2001 MT 81, 305 Mont. 103, 23 P.3d 908:

> ...Under § 76-3-207(1), the Legislature has provided a caveat to the various "divisions of land" exemptions to subdivision review that a party may claim. The statute provides that "unless the method of disposition is adopted for the purpose of evading this chapter" the listed divisions of lands are not subdivisions. There are no statutory guidelines or standards--let alone imposed affirmative duties--for how the determination of an "evasion" must be made by a county in either accepting or rejecting a certificate of survey with a claimed exemption....
> The Hamptons have not presented any authority establishing an affirmative duty on the County to analyze or investigate an exemption claimed under § 76-3-207(1), MCA, beyond the steps taken here--that is, to accept for review a certificate of survey or other evidence establishing the claimed exemption. The Hamptons have not presented any authority, for example, that the County *shall* conduct a hearing, or *shall* gather evidence above and beyond the certificate of survey, to test for any "evasion" of subdivision review where a property owner divides his or her land and claims an exemption under § 76-3-207(1), MCA. Likewise, there is no indication here that any sort of defined threshold of evidence must be met in order for the County to accept a claimed exemption. (Emphasis added.)

SB 350 provides that compliance with zoning regulations would be a statutory standard for utilization of subdivision exemptions identified in Mont. Code Ann. § 76-3-207.

Sincerely,

OFFICE OF THE CITY ATTORNEY

Jim Nugent
City Attorney

cc: Missoula County Representatives; Mike Kadas, Mayor; City Council; Janet Stevens, CAO; Alec Hansen, Montana League of Cities & Towns; Cindy Klette, OPG Director

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER M/F/V/H

EXHIBIT 2
DATE 3.15.05
SB 350

541 McLeod Ave.
Missoula, MT 59801
March 14, 2005

Local Government Committee
House of Representative
Montana Legislature

Dear Committee Members, Chairman Noennig, Vice Chairman Jacobson, Vice Chairman Stahl,

SB350 is an excellent bill, and I hope you will pass it out of this committee to the full House for consideration. This bill clears up the intent of the subdivision law by enforcing local zoning regulations.

Some ill-conceived or poorly written municipal ordinances have led land speculators in Missoula to exercise dubious "development rights" in violation of existing zoning requirements. In one court case expressly on this issue under consideration now by the Hon. James A Haynes, District Judge (Ballas vs City of Missoula, the defendant, et al) Judge Haynes states:

> Conclusion: The City's alleged housing infill policy in residential zones has not been codified and enacted by legislative approval of the Missoula City Council, and cannot be found in the City's nonconforming use ordinances. A nonconformity review of zoned residential lots for which a building permit is sought must be properly conducted by OPG or BOA. At a minimum, nonconformity review must address nonconformity issues relating to abatement, lot area, variance for a building permit, and all other applicable zoning issues. No such appropriate review was performed for Lot 15A. The Defendants have not made an evidentiary showing that BOA's review of the issuance of the building permit for Lot 15A applied the City's applicable zoning laws or that the BOA's decision to uphold the issuance of a building permit for Lot 15A contained no abuse of discretion. Accordingly, the Defendants' summary judgment motions should be denied.

This bill will clearly establish the intent of zoning laws. If a variance is requested by a petitioner, he/she may always apply for a legal variance through the City or County Board of Adjustment. Please vote to approve SB350 in order to avoid further legal complications concerning the guaranteed protection provided by zoning regulations for the citizens.

Sincerely,

Lee Clemmensen (Member
of City of Missoula BOA)

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 3-15-05

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK NOENNIG, CHAIR	✓		
REP. HAL JACOBSON, VICE CHAIR	✓		
REP. WAYNE STAHL, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. DEBBY BARRETT	✓		
REP. MARY CAFERRO			✓
REP. MARGARETT CAMPBELL	✓		
REP. SUE DICKENSON	✓		
REP. EMILIE EATON	✓		
REP. CHRISTOPHER HARRIS	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. MIKE JOPEK	✓		
REP. GARY MacLAREN	✓		
REP. RICK MAEDJE			✓
REP. DAVE McALPIN	✓		
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON	✓		

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 32** (third reading copy - - blue) **be concurred in**.

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Elsie Arntzen

- END -

Committee Vote:
Yes 15, No 3.

580840SC.hkh
3/16/05
jlm

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 162** (third reading copy -- blue) **be concurred in and be placed on the consent calendar.**

Signed: Mark E Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Dave McAlpin

- END -

Committee Vote:
Yes 18, No 0.

580841SC.hkh
3/16/05
jbm

HOUSE STANDING COMMITTEE REPORT

March 16, 2005

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 40** (third reading copy -- blue) **be concurred in as amended**.

Signed: *Mark E. Noennig*
Representative Mark E. Noennig, Chair

To be carried by Representative Wayne Stahl

And, that such amendments read:

1. Title, line 7.
Strike: "RESOLUTION OF INTENTION TO CREATE THE DISTRICT AND THE"

2. Title, line 9.
Strike: "7-12-2105,"

3. Page 2, line 4 through line 25.
Strike: section 2 in its entirety
Renumber: subsequent sections

- END -

Committee Vote:
Yes 18, No 0.

581001SC.hkh
3/16/05

HOUSE STANDING COMMITTEE REPORT

March 16, 2005

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 185** (third reading copy -- blue) **be concurred in**.

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Gary MacLaren

- END -

Committee Vote:
Yes 17, No 1.

581002SC.hkh
3/16/05
jlm

COMMITTEE PROXY

DATE: 3-15-05

I request to be excused from the _____

Committee because of other commitments. I desire to leave my proxy vote with:

Hunt Jacobson.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
S.B. 32	X	
S.B. 102	X	
S.B. 102 Cons	X	
Amend. S.B. 40	X	
S.B. 40 As Am.	X	
S.B. 185	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Mary Cafferino
(Signature)

S:\PROXY 2005.wpd

COMMITTEE PROXY

DATE: 3.15.05

I request to be excused from the Local Govt

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Hal Jacobsen.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
S.B. 32	X	
S.B. 1602	X	
S.B. 162 CONS.	X	
AMEN. S.B. 40	X	
S.B. 40 AS AM.	X	
S.B. 185	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Margaret Carrier
(Signature)

S:\PROXY 2005.wpd

COMMITTEE PROXY

DATE: MAR 15 2005

I request to be excused from the Local Govt.

Committee because of other commitments. I desire to leave my proxy vote with:

_____.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
HB 32	✓	
HB 162	✓	
AMEND SB 40	✓	
SB 40 AS AMND	✓	
SB 185	✓	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Lawrence R. Hamilton
(Signature)

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COMMITTEE PROXY

DATE MAR 15 2005

I request to be excused from the MAEDJE RICK LOCAL GOVT. Committee meeting this date because of other commitments. I desire to leave my proxy vote with_____

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT	AYE	NO
HB 32	✓	
HB 162	✓	
AMEND SB 40	✓	
SB 40 AS AMEND	✓	
SB 185	✓	

SENATE BILL/AMENDMENT	AYE	NO

Rep. [signature]

(Signature)

VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 225 Date: 3/15/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Annie Goodwin	DOA	X		
Keith Colbo	MEB	X		
Steve Turkiewicz	MBA	X		
Gary Amestoy	Richland Economic Development Corporation	X		
HAROLD BLATTIE	MACo	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 472 Date: 3/15/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Mike Harris	Gall. County	✓		
Jim Cashell	Gallatin Sheriff	✓		
Jim Obenhofer	Gallatin County	✓		
Harold Blattie	MACo	✓		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 350 Date: 3/15/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
JON D. WILKINS	Missoula	X		
Harold Hoem	"	X		
Jan Hoem	"	X		
Ian Lange	"	X		
FRED BODHOLT	"	X		
JERRY BALLAS	MISSOULA	X		
JIM NUGENT	CITY OF MISSOULA	X		
LINDA STOLL	MT ASSN'N PLANNERS	✓		
HAROLD BLATTIE	MACo	✓		
Jani McCall	City of Billings	✓		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on March 15, 2005 at 3:10 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:
Rep. Mark E. Noennig, Chairman (R)
Rep. Hal Jacobson, Vice Chairman (D)
Rep. Wayne Stahl, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Debby Barrett (R)
Rep. Margarett H. Campbell (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Christopher Harris (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Mike Jopek (D)
Rep. Gary MacLaren (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Bernie Olson (R)

Members Excused:
Rep. Mary Caferro (D)
Rep. Rick Maedje (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Kyanne Kelly, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: SB 225, 3/10/2005; SB 350, 3/10/2005; SB 472, 3/10/2005
Executive Action: SB 32, SB 40, SB 162, SB 185

HEARING ON SB 350

Opening Statement by Sponsor:

SEN. VICKI COCCHIARELLA (D), SD 47, opened the hearing on **SB 350**, Revise subdivision review exemptions.
00:00:30

Proponents' Testimony:
00:03:25 Jim Nugent, City of Missoula
EXHIBIT(loh57a01)
00:05:23 Jerry Ballas, Missoula City Council
00:09:15 Jon Wilkens, President Neighborhood Council
00:10:53 Jan Holm, President Neighborhood Council
00:11:17 Ian Lange, Self from Missoula
EXHIBIT(loh57a02)
00:11:44 Linda Stoll, Montana Association of Planners
00:12:01 Fred Bodholt, Self Missoula
00:12:40 Harry Holm, Self Missoula

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:13:25

Closing by Sponsor:
00:31:58

REP. CAFERRO entered the room.

HEARING ON SB 225

Opening Statement by Sponsor:

SEN. VICKI COCCHIARELLA (D), SD 47, opened the hearing on **SB 225**, Revise FDIC levels for local government.
00:34:52
EXHIBIT(loh57a03)

Proponents' Testimony:
00:35:50 Keith Colbo, Independent Bankers
00:40:01 Steve Turkiewicz, Montana Bankers Association
00:40:43 Annie Goodwin, Commissioner of Banker
00:41:06 Harold Blattie, Montana Association of Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:42:07

Closing by Sponsor:
00:50:03

HEARING ON SB 472

Opening Statement by Sponsor:

SEN. GARY PERRY (R), SD 35, opened the hearing on **SB 472,** Revise county jail work program.
00:54:15

Proponents' Testimony:
00:56:39 Jim Cashell, Gallatin County Sheriff
01:00:06 Michael Harris, Gallatin County Legislative Liaison
EXHIBIT(loh57a04)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:02:48

Closing by Sponsor:
01:24:14

EXECUTIVE ACTION ON SB 32

Motion: **REP. MCGILLVRAY moved that SB 32 BE CONCURRED IN.**

Discussion:
01:37:45

Vote: Motion carried 15-3 by voice vote with REP. BARRETT, REP. OLSON, and REP. STAHL voting no. REPS. MAEDJE, CAFFERO, CAMPBELL AND HENDRICK voted by proxy. REP. ARNTZEN to carry.

EXECUTIVE ACTION ON SB 40

Motion: REP. JACOBSON moved that SB 40 BE CONCURRED IN.

Discussion:
01:59:02

Without objection REP. JACOBSON withdrew his motion.

EXECUTIVE ACTION ON SB 162

Motion: REP. JOPEK moved that SB 162 BE CONCURRED IN.

Discussion:
02:08:32

Vote: Motion carried unanimously by voice vote. REPS. MAEDJE, CAFFERO, CAMPBELL AND HENDRICK voted by proxy. REP. MCALPIN to carry.

Motion/Vote: REP. OLSON moved that SB 162 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously by voice vote. REPS. MAEDJE, CAFFERO, CAMPBELL AND HENDRICK voted by proxy.

Discussion: To bring SB 40 back up for a vote
02:15:57

EXECUTIVE ACTION ON SB 40

Motion: REP. DICKENSON moved that SB 40 BE CONCURRED IN.

Discussion:
02:17:47

Motion/Vote: REP. STAHL moved that SB 40 BE AMENDED. Motion carried unanimously by voice vote. REPS. MAEDJE, CAFFERO, CAMPBELL AND HENDRICK voted by proxy.

Motion/Vote: REP. JACOBSON moved that SB 40 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. REPS. MAEDJE, CAFFERO, CAMPBELL AND HENDRICK voted by proxy. REP. STAHL to carry.

EXECUTIVE ACTION ON SB 185

Motion: REP. JOPEK moved that SB 185 BE CONCURRED IN.

Discussion:
02:19:33

Vote: Motion carried 17-1 by voice vote with REP. OLSON voting no. REPS. MAEDJE, CAFFERO, CAMPBELL AND HENDRICK voted by proxy. REP. MACLAREN to carry.

ADJOURNMENT

Adjournment: 5:40 P.M.

_____
REP. MARK E. NOENNIG, Chairman

_____
KYANNE KELLY, Secretary

MN/kk

Additional Exhibits:

EXHIBIT(loh57aad0.PDF)

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 3.22.05

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK NOENNIG, CHAIR	✓		
REP. HAL JACOBSON, VICE CHAIR	✓		
REP. WAYNE STAHL, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. DEBBY BARRETT	✓		
REP. MARY CAFERRO	✓		
REP. MARGARETT CAMPBELL			✓
REP. SUE DICKENSON	✓		
REP. EMILIE EATON	✓		
REP. CHRISTOPHER HARRIS			✓
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. MIKE JOPEK	✓		
REP. GARY MacLAREN	✓		
REP. RICK MAEDJE			✓
REP. DAVE McALPIN	✓		
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON	✓		

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COMMITTEE FILE COPY

TABLED BILL

The **HOUSE LOCAL GOVERNMENT COMMITTEE** TABLED **SB 215**, by motion, on **Tuesday, March 22, 2005.**

Kyanne Kelly
(For the Committee)

jbn
(Chief Clerk of the House)

8:25, 3/23
(Time) (Date)

March 22, 2005 Kyanne Kelly, Secretary Phone: 1512

HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 225** (third reading copy -- blue) **be concurred in.**

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Rick Maedje

- END -

Committee Vote:
Yes 17, No 0.

641422SC.hkh
3/23/05
jbw

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 350** (third reading copy -- blue) **be concurred in**.

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Dave McAlpin

- END -

Committee Vote:
Yes 11, No 6.

640914SC.hkh
3/23/05
jlm

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 472** (third reading copy -- blue) **be concurred in as amended.**

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Christopher Harris

And, that such amendments read:

1. Title, line 5.
Strike: "AS COUNTY PROJECTS"

2. Page 1, line 14.
Strike: "county"
Insert: "public"

3. Page 1, line 15.
Following: "REQUEST OF A"
Insert: "federal or"
Following: "AGENCY"
Insert: ","
Strike: "OR"

4. Page 1, line 16.
Following: "GOVERNMENT"
Insert: "or nonprofit corporation"
Following: "TERMS"
Insert: "or on their own action for county projects,"

5. Page 1, line 17 and line 18.
Strike: "public"

Committee Vote:
Yes 13, No 4.

641423SC.hkh
3/23/05
jbm

Following: the first "projects"
Strike: remainder of line 17 through "county" on line 18
Insert: "as public"

6. Page 1, line 25.
Strike: "county"
Insert: "government"

7. Page 1, line 26.
Strike: "county"
Insert: "government"

8. Page 2, line 10.
Strike: "Failure"
Insert: "An unexcused failure"

- END -

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 167** (third reading copy -- blue) **be concurred in**.

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Mike Jopek

- END -

Committee Vote:
Yes 12, No 5.

640915SC.hkh
3/23/05
jbm

HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 294** (third reading copy -- blue) **be concurred in as amended.**

Signed: Mark E. Noennig
Representative Mark E. Noennig, Chair

To be carried by Representative Sue Dickenson

And, that such amendments read:

1. Page 1, line 20.
Strike: "5"
Insert: "2"

- END -

Committee Vote:
Yes 14, No 3.

641424SC.hkh
3/23/05
jbc

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3.22.05 BILL NO SB ~~345~~ 245 MOTION NO. _____
MOTION: BE Concurred in as AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HAL JACOBSON, VICE CHAIR		✓	
REP. WAYNE STAHL, VICE CHAIR		✓	
REP. ELSIE ARNTZEN		✓	
REP. DEBBY BARRETT	✓		
REP. MARY CAFERRO		✓	
REP. MARGARETT CAMPBELL			
REP. SUE DICKENSON		✓	
REP. EMILIE EATON		✓	
REP. CHRISTOPHER HARRIS		✓	
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY		✓	
REP. MIKE JOPEK		✓	
REP. GARY MacLAREN		✓	
REP. RICK MAEDJE	✓		
REP. DAVE McALPIN		✓	
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON		✓	
REP. MARK NOENNIG, CHAIR	✓		
	4	13	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3.22.05 BILL NO SB 167 MOTION NO. _____

MOTION: BE TABLED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HAL JACOBSON, VICE CHAIR		✓	
REP. WAYNE STAHL, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. DEBBY BARRETT	✓		
REP. MARY CAFERRO		✓	
REP. MARGARETT CAMPBELL			
REP. SUE DICKENSON		✓	
REP. EMILIE EATON		✓	
REP. CHRISTOPHER HARRIS		✓	
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY		✓	
REP. MIKE JOPEK		✓	
REP. GARY MacLAREN	✓		
REP. RICK MAEDJE		✓	
REP. DAVE McALPIN		✓	
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON	✓		
REP. MARK NOENNIG, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE 3.22.05 BILL NO SB294 MOTION NO. _____

MOTION: BE CONCURRED IN AS AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HAL JACOBSON, VICE CHAIR	✓		
REP. WAYNE STAHL, VICE CHAIR	✓		
REP. ELSIE ARNTZEN		✓	
REP. DEBBY BARRETT		✓	
REP. MARY CAFERRO	✓		
REP. MARGARETT CAMPBELL			
REP. SUE DICKENSON	✓		
REP. EMILIE EATON	✓		
REP. CHRISTOPHER HARRIS	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. MIKE JOPEK	✓		
REP. GARY MacLAREN	✓		
REP. RICK MAEDJE	✓		
REP. DAVE McALPIN	✓		
REP. TOM McGILLVRAY	✓		
REP. BERNIE OLSON		✓	
REP. MARK NOENNIG, CHAIR	✓		

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14 3

COMMITTEE PROXY

DATE: MAR 22 05

I request to be excused from the HOUSE GOVT.

Committee because of other commitments. I desire to leave my proxy vote with:

W. Kerr

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
SB 350	✓	
AMEND 1 SB 472	✓	
AMEND 2 SB 472	✓	
AS AMENDED SB 472		✓
SB 167	–	✓
SB 294 AMEND		✓
SB 294 TABLE	✓	
SB 294		✓

Rep./Sen. Gary MacLaren
(Signature)

COMMITTEE PROXY

DATE: 3-22-05

I request to be excused from the _____

Committee because of other commitments. I desire to leave my proxy vote with:

_____.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
Amend #1 SB 215	X	
Amend #2 SB 215	X	
S.B. 215 AS Amend		X
S.B. 225	X	
S.B. 350	X	
Amend #1 S.B. 472	X	
Amend #2 S.B. 472	X	
S.B. 472 AS Am	X	
S.B. 167	X	
S.B. 2014 As Am	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Dave McCarthy
(Signature)

COMMITTEE PROXY

DATE: JAN 22 05

I request to be excused from the Local Govt.

Committee because of other commitments. I desire to leave my proxy vote with:

W. Stenehjem.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
[illegible]		
[illegible]		

SENATE BILL/AMENDMENT	AYE	NO
1 Sen 215 Amend	✓	
2 Sen 215 Amend	✓	
SB 215		✓
SB 225	✓	
SB 350	✓	
Amend 1 SB 472	✓	
Amend 2 SB 472	✓	
Amend SB 472		✓
SB 167	✓	
Amend 1 SB 294		✓
Table SB 294	✓	
SB 294		✓

Rep./Sen. Gordon R. Hendrickson
(Signature)

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COMMITTEE PROXY

DATE MAR 22 05

I request to be excused from the ELSIE ARNTZEN LOCAL GOVT Committee meeting this date because of other commitments. I desire to leave my proxy vote with [illegible]

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT	AYE	NO
[illegible]		

SENATE BILL/AMENDMENT	AYE	NO
Amd SCU 215	✓	
Amdt to Com 215	✓	
SB 215		✓
SB225	✓	
[illegible]		

Rep. [signature]

(Signature)

COMMITTEE PROXY

DATE: MAR 22-05

I request to be excused from the LOCAL GOVT

Committee because of other commitments. I desire to leave my proxy vote with:

W. LATHAM.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
1. Amend Sen 215	✓	

Rep./Sen. _____
(Signature)

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COMMITTEE PROXY

DATE: 3-22-05

I request to be excused from the _____

Committee because of other commitments. I desire to leave my proxy vote with:

_____.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
SB 167	X	
SB 294 #1	X	
S.B 294 #5 Amd.	X	
TABLE SB 294		X

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. _____
(Signature)

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COMMITTEE PROXY

DATE: 3-22-05

I request to be excused from the _____

Committee because of other commitments. I desire to leave my proxy vote with:

_____.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
AMEND #2 SB 472	X	
SB 472 AS AM.	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Mary Caffrey
(Signature)

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COMMITTEE PROXY

DATE: MAR 22 05

I request to be excused from the LOCAL GOVT.

Committee because of other commitments. I desire to leave my proxy vote with:

W. STATE.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
SB 167	✓	
SB 294 AMENDS		✓
SB 294 TABLE	✓	
SB 294		✓

Rep./Sen. Thomas McGilvray
(Signature)

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VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 245 Date: 3/22/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Mike Janisch	Big Sky Resort Lobbyist	✓		
Carol Collins	Big Sky Resort District	✓		
Don Hargrove	" " " "	✓		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 167 Date: 3/22/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
JOHN KRAMER	GREAT FALLS DEV	X		
Tim Magee	City of Helena	X		
LINDA STOCK	MT ASSN OF PLANNERS	✓		
Jami McCall	City of Billings	✓		
HAROLD BLATTIE	MACO	✓		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 294 Date: 3/22/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana
House of Representatives
Local Government Committee

Bill Number: SB 301 Date: 3/22/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Jim Magee	City of Helena	X		
HAROLD BLATTIE	MACO	X		
[redacted]	[redacted]	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on March 22, 2005 at 3:22 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Mark E. Noennig, Chairman (R)
Rep. Hal Jacobson, Vice Chairman (D)
Rep. Wayne Stahl, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Debby Barrett (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Mike Jopek (D)
Rep. Gary MacLaren (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Bernie Olson (R)

Members Excused:

Rep. Margarett H. Campbell (D)
Rep. Christopher Harris (D)
Rep. Rick Maedje (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Kyanne Kelly, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 167, 3/16/2005; SB 245, 3/16/2005; SB 294, 3/16/2005; SB 301, 3/16/2005
Executive Action:	SB 215, SB 225, SB 350, SB 472, SB 167, SB 294

HEARING ON SB 167

Opening Statement by Sponsor:

SEN. JEFF MANGAN (D), SD 12, opened the hearing on **SB 167**, Technology districts -- tax increment financing.
00:02:05

Proponents' Testimony:

00:06:40	John Kramer, Great Falls Development Corporation
00:10:11	Tim Mcgee, City of Helena
00:11:43	Joe Mazurek, City of Great Falls
00:12:41	Harold Blattie, Montana Association of Counties
00:13:22	Alec Hansen, League of Cities and Towns
00:17:48	Linda Stoll, Montana Association of Planners
00:18:05	Janie McCall, City of Billings
00:18:18	Rhonda Carpenter Wiggers, Great Falls Chamber of Commerce

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:18:59

Closing by Sponsor:
00:27:47

REP. HARRIS entered the room.

HEARING ON SB 245

Opening Statement by Sponsor:

SEN. JIM ELLIOTT (D), SD 7, opened the hearing on **SB 245**, Revise resort area election law.
00:30:16

Proponents' Testimony:
00:33:04 Carol Collins, Big Sky Resort Area District
EXHIBIT(loh63a01)
00:34:40 Mona Jamison, Big Sky Resort Area District
EXHIBIT(loh63a02)
00:37:45 Harold Blattie, Montana Association of Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:38:54

Closing by Sponsor:
00:50:24

HEARING ON SB 294

Opening Statement by Sponsor:

SEN. BOB HAWKS (D), SD 33, opened the hearing on **SB 294**, Revise SID protest periods.
00:54:27

Proponents' Testimony:
00:56:43 Harold Blattie, Montana Association of Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:58:06

Closing by Sponsor:
01:00:16

HEARING ON SB 301

Opening Statement by Sponsor:

SEN. BOB STORY (R), SD 30, opened the hearing on **SB 301**, Revise laws governing mill levies.
01:01:12
EXHIBIT(loh63a03)

Proponents' Testimony:
01:05:01 Tim Mcgee, City of Helena
01:06:24 Harold Blattie, Montana Association of Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:08:33

Closing by Sponsor:
01:23:48

EXECUTIVE ACTION ON SB 215

Motion: REP. MACLAREN moved that SB 215 BE CONCURRED IN.

Discussion:
01:39:53

Motion: REP. DICKENSON moved that SB 215 BE AMENDED.

Discussion:
01:40:20
EXHIBIT(loh63a04)

Vote: Motion carried 16-1 by voice vote with REP. BARRETT voting no. REPS. ARNTZEN, HENDRICK, MAEDJE and MCALPIN voted by proxy.

Motion: REP. MCGILLVRAY moved that SB 215 BE CONCURRED IN AS AMENDED.

Discussion:
01:49:23

Motion: REP. BARRETT moved that SB 215 BE AMENDED.

Vote: Motion carried 17-0 by voice vote. REPS. ARNTZEN, HENDRICK, and MCALPIN voted by proxy.

Motion: REP. BARRETT moved that SB 215 BE CONCURRED IN AS AMENDED.

Discussion:
01:51:12

Vote: Motion failed 4-13 with REP. BARRETT, REP. MAEDJE, REP. MCGILLVRAY, and REP. NOENNIG voting aye by roll call vote. REPS. MCALPIN, HENDRICK, and ARNTZEN voted by proxy.

Motion/Vote: REP. OLSON moved that SB 215 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote.

EXECUTIVE ACTION ON SB 225

Motion: REP. JOPEK moved that SB 225 BE CONCURRED IN.

Discussion:
01:55:26

Vote: Motion carried 17-0 by voice vote. REPS. MCALPIN, HENDRICK, and ARNTZEN voted by proxy. REP. MAEDJE to carry.

EXECUTIVE ACTION ON SB 350

Motion: REP. JOPEK moved that SB 350 BE CONCURRED IN.

Discussion:
01:57:29

Vote: Motion carried 11-6 by voice vote with REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, REP. OLSON, and REP. STAHL voting no. REPS. MCALPIN, MACCLAREN, and HENDRICK voted by proxy. REP. MCALPIN to carry.

EXECUTIVE ACTION ON SB 472

Motion: REP. HARRIS moved that SB 472 BE CONCURRED IN.

Motion: REP. HARRIS moved that SB 472 BE AMENDED.

Discussion:
02:16:39
EXHIBIT(loh63a05)

Vote: Motion carried 16-1 by voice vote with REP. BARRETT voting no. REPS. MCALPIN, MACCLAREN, and HENDRICK voted by proxy.

Motion: REP. HARRIS moved that SB 472 BE CONCURRED IN AS AMENDED.

Discussion:
02:19:35

Motion: REP. NOENNIG moved that SB 472 BE further AMENDED.

Discussion:
02:25:17

Vote: Motion carried 16-1 by voice vote with REP. BARRETT voting no. REPS. MCALPIN, CAFERRO, MACCLAREN, and HENDRICK voted by proxy.

Motion/Vote: REP. JACOBSON moved that SB 472 BE CONCURRED IN AS AMENDED. Motion carried 13-4 by voice vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, and REP. MACLAREN voting no. REPS. MCALPIN, CAFERRO, MACCLAREN, and HENDRICK voted by proxy. REP. HARRIS to carry.

EXECUTIVE ACTION ON SB 167

Motion: REP. JOPEK moved that SB 167 BE CONCURRED IN.

Discussion:
02:29:16

Substitute Motion/Vote: REP. OLSON made a substitute motion that SB 167 BE TABLED. Substitute motion failed 8-9 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MCGILLVRAY, REP. NOENNIG, REP. OLSON and REP. STAHL voting aye. REPS. MCALPIN, HARRIS, MCGILLVRAY, MACCLAREN, and HENDRICK voted by proxy.

Vote: Motion that SB 167 BE CONCURRED IN carried 12-5 by voice vote with REP. ARNTZEN, REP. BARRETT, REP. MACLAREN, REP. MAEDJE, and REP. OLSON voting no. REPS. MCALPIN, HARRIS, MCGILLVRAY, MACCLAREN, and HENDRICK voted by proxy. REP. JOPEK to carry.

EXECUTIVE ACTION ON SB 294

Motion: REP. STAHL moved that SB 294 BE CONCURRED IN.

Discussion:
02:42:29

Motion: REP. STAHL moved that SB 294 BE AMENDED.

Discussion:
02:44:16

Vote: Motion carried 11-6 by voice vote with REP. DICKENSON, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, and REP. MCGILLVRAY voting no. REPS. HARRIS, MCGILLVRAY, MACLAREN, HENDRICK and MCALPIN voted by proxy.

Motion: REP. STAHL moved that SB 294 BE CONCURRED IN AS AMENDED.

Discussion:
02:47:36

Vote: Motion that SB 294 BE CONCURRED IN AS AMENDED carried 14-3 by roll call vote with REP. ARNTZEN, REP. BARRETT, and REP. OLSON voting no. REPS. HARRIS, MCGILLVRAY, MACLAREN, and HENDRICK voted by proxy.

ADJOURNMENT

Adjournment: 6:15 P.M.

_____
REP. MARK E. NOENNIG, Chairman

_____
KYANNE KELLY, Secretary

MN/kk

Additional Exhibits:

EXHIBIT(loh63aad0.PDF)

HOUSE JOURNAL
59TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — House Chambers
April 4, 2005 — State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages: Katie Bonogofsky, Belfry; Whitney Derks, Denton; Jesse DesRosier, Browning; Amber Laszloffy, Laurel; Callie Real Bird, Wyola; Jake Schreiner, Laurel; and Jake Zeadow, Three Forks.

Rep. Bergren announced the House Democrats will caucus.
Rep. Himmelberger announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 10:30 a.m.

House reconvened at 10:38 a.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 4/4/2005
Correctly printed: **HB 529**, **HB 703**, **HB 756**, **HB 787**, **HB 802**, **HB 803**.
Correctly enrolled: **HB 153**, **HB 172**, **HB 280**, **HB 316**, **HB 492**, **HB 514**.

MESSAGES FROM THE SENATE

House amendments to Senate bill concurred in: 4/4/2005

SB 39, introduced by Mangan

House bills concurred in and returned to the House: 4/4/2005

HB 153, introduced by Noennig
HB 172, introduced by Cohenour
HB 199, introduced by A. Olson
HB 316, introduced by Callahan
HB 483, introduced by Bergren
HB 492, introduced by Morgan
HB 514, introduced by Gutsche

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/4/2005

HB 517, introduced by Wiseman
HB 606, introduced by Gutsche

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 4/4/2005

HJR 15, introduced by Juneau

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 41, introduced by Campbell, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Clark, Cohenour, Dowell, Driscoll, Eaton, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hendrick, Jacobson, Jayne, Jopek, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Noonan, Parker, Raser, Rice, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wells, Wilson, Windy Boy, Wiseman, Witt, Wagman, Callahan, referred to Federal Relations, Energy, and Telecommunications.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 95 - Representative Harris moved **SB 95** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 73

Noes: Barrett, Bixby, D. Brown, Butcher, Caferro, Everett, Hawk, Hendrick, Jackson, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Stahl, Wagman, Ward, Wells, Witt.
Total 27

Voted Absentee: Juneau, Aye; Bixby, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - Representative Lambert moved **SB 107** be concurred in.

SB 107 - Representative Lambert moved **SB 107**, second reading copy, be amended as follows:

1. Title, line 9.
Following: "FUTURE;"
Insert: "REMOVING THE REQUIREMENT THAT A PERSON COMPLY WITH THE AGRICULTURE GROUND WATER MANAGEMENT PLAN;"

2. Page 2, line 11.
Strike: "shall"
Insert: "may"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 49

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - Representative Lambert moved **SB 107**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Juneau, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 53

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Mendenhall, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 47

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76 - Representative Noonan moved **SB 76** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lange, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Warden, Wilson, Witt, Mr. Speaker.
Total 51

Noes: Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Clark, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wells, Windham, Windy Boy, Wiseman.
Total 49

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 138 - Representative Heinert moved **SB 138** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: McGillvray, Morgan, Ripley, Sinrud, Wanzenried.
Total 5

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 145 - Representative Harris moved **SB 145** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: Hawk, Hendrick, Koopman, Lake, MacLaren, Malcolm, Mendenhall, Rice, Sales, Sinrud, Wagman.
Total 11

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 - Representative Stoker moved **SB 183** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Koopman.
Total 1

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 186 - Representative Clark moved **SB 186** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Bixby, D. Brown, Caferro, Eaton, Gutsche, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, McGillvray, Morgan, Roberts, Stahl, Wagman, Ward.
Total 19

Voted Absentee: Juneau, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 198 - Representative Facey moved **SB 198** be concurred in.

SB 198 - Representative Hendrick moved for cloture. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, L. Jones, Jopek, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Mr. Speaker.
Total 54

Noes: Becker, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jent, W. Jones, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt.
Total 43

Excused: Bixby, Juneau.
Total 2

Absent or not voting: Lambert.
Total 1

SB 198 - Representative Lake moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.
Total 86

Noes: Becker, Buzzas, Caferro, Dickenson, Gallik, Gutsche, Hamilton, Harris, Kaufmann, Lenhart, Windy Boy, Wiseman.
Total 12

Excused: Bixby, Juneau.
Total 2

Absent or not voting: None.
Total 0

SB 198 - Motion to concur carried as follows:

Ayes: Arntzen, Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 47

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Bergren.
Total 1

SB 212 - Representative Maedje moved **SB 212** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Stahl.
Total 1

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214 - Representative Noennig moved **SB 214** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 217 - Representative Bergren moved **SB 217** be concurred in.

SB 217 - Representative L. Jones moved **SB 217**, second reading copy, be amended as follows:

1. Page 1, line 27.
Strike: "50%"
Insert: "40%"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 48

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: Malcolm, Mendenhall.

Total 2

SB 217 - Representative L. Jones moved **SB 217**, second reading copy, be further amended as follows:

1. Page 6, line 21.
Following: "apprentices"
Insert: "only for construction services, as defined in 18-2-401"

2. Page 6, line 22.
Following: line 21
Insert: "(h) for all other construction services, use the average journeyman wage paid to the apprentice's employer's journeyman. The department may require the employer to provide certified payrolls from which the average journeyman's salary is calculated."
Renumber: subsequent subsections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 49

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 217 - Representative Bergren moved **SB 217**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 80

Noes: Balyeat, D. Brown, Everett, Hawk, Himmelberger, L. Jones, Koopman, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Wells, Witt.
Total 20

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 225 - Representative Maedje moved **SB 225** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: Ward.
Total 1

SB 349 - Representative Gallik moved **SB 349** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Everett, Lake, Sales.
Total 3

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: Waitschies.
Total 1

SB 350 - Representative McAlpin moved **SB 350** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Maedje, Malcolm, McGillvray, McKenney, McNutt,

Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.
Total 40

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 355 - Representative Parker moved **SB 355** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Balyeat, Everett, Koopman, Sales, Sinrud.
Total 5

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: R. Brown.
Total 1

SB 365 - Representative Wiseman moved **SB 365** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Galvin-Halcro, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Noennig, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.
Total 37

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 - Representative Galvin-Halcro moved **SB 368** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385 - Representative Koopman moved **SB 385** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Becker, Everett, Hawk, Mendenhall, Sales, Wells.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 410 - Representative Groesbeck moved **SB 410** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Becker, Dowell, Gutsche, Jackson, Jayne, Raser, Windham.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 434 - Representative Milburn moved **SB 434** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 443 - Representative Furey moved **SB 443** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 85

Noes: Balyeat, D. Brown, Everett, Gallik, Hawk, Jackson, W. Jones, Koopman, Lake, MacLaren, Malcolm, Mendenhall, Rice, Ripley, Sales.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 466 - Representative Heinert moved **SB 466** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Balyeat, Ripley.
Total 2

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

SB 470 - Representative Noonan moved **SB 470** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Jayne.
Total 1

Excused: None.
Total 0

Absent or not voting: Barrett, R. Brown.
Total 2

SB 472 - Representative Harris moved **SB 472** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 85

Noes: Balyeat, Barrett, Bergren, Everett, Hendrick, Keane, Lake, MacLaren, Rice, Ripley, Sales, Sonju, Wagman, Ward.
Total 14

Excused: None.
Total 0

Absent or not voting: Driscoll.
Total 1

SB 497 - Representative Stahl moved **SB 497** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Buzzas, Caferro, Facey, Furey, Galvin-Halcro, Henry, Jayne, Maedje.
Total 8

Excused: None.
Total 0

Absent or not voting: Windham.
Total 1

SB 370 - Representative Jent moved **SB 370** be concurred in.

SB 370 - Representative Bergren moved for cloture. Motion carried with a voice vote.

SB 370 - Motion to concur carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 74

Noes: Andersen, Balyeat, Barrett, Butcher, Campbell, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Koopman, Lambert, McNutt, Mendenhall, Rice, Ripley, Sales, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.
Total 25

Excused: None.
Total 0

Absent or not voting: Sinrud.
Total 1

SB 123 - Representative Keane moved **SB 123** be concurred in.

SB 123 - Representative Keane moved **SB 123**, second reading copy, be amended as follows:

1. Title, line 11.
Following: "INCREASING THE"
Insert: "CIVIL"

2. Title, line 12.
Following: "HIGHWAYS;"
Insert: "ELIMINATING THE MISDEMEANOR PENALTY FOR USING DYED FUEL;"

3. Page 5, lines 25 and 26.
Following: "15-70-372(2)."
Strike: remainder of line 25 through "15-70-336." on line 26

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Mendenhall, Sales.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 123 - Representative Keane moved **SB 123**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Koopman, Sales, Sinrud.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: Everett, Hawk, Hendrick, Koopman, Lambert, Mendenhall, Sales, Sinrud, Stahl, Wagman, Wells.
Total 11

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 529 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Mr. Speaker.
Total 72

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Peterson, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wells, Wiseman, Witt.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 703 passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 65

Noes: Andersen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Wells.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 756 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 69

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wells.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 787 failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 802 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 80

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Cohenour, Eaton, Furey, Gallik, Gutsche, Hamilton, Harris, Jacobson, Juneau, Kaufmann, McAlpin, McGillvray, Raser, Windham, Wiseman.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 803 failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, Butcher, Clark, Glaser, Hendrick, Jackson, W. Jones, Klock, Lambert, MacLaren, Maedje, McNutt, Milburn, Morgan, B. Olson, Peterson, Ripley, Roberts, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Wilson, Windy Boy, Witt.
Total 32

Noes: Becker, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wells, Windham, Wiseman, Mr. Speaker.
Total 68

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 21 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 29 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 71

Noes: D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Warden, Wells.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 32 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Hendrick, L. Jones, Koopman, Lake, Maedje, Malcolm, Mendenhall, Milburn, Morgan, B. Olson, Ross, Sales, Sinrud, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Bergren, Jayne, Villa, Windy Boy.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: Campbell, Everett, Heinert, Himmelberger, Koopman, Malcolm, McGillvray, Mendenhall, Ripley, Sales, Sinrud, Waitschies, Wells.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 153 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Everett, Sales, Stahl, Stoker, Wagman, Waitschies.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 167 concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 71

Noes: Andersen, Balyeat, Barrett, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Maedje, Malcolm, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 260 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: A. Olson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: Everett, Malcolm.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 298 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 322 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 352 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Everett, Sales, Sinrud.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 373 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Campbell, Jayne, Koopman, Sales, Ward.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Heinert, McKenney, Villa, Windy Boy.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 423 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 78

Noes: Balyeat, D. Brown, R. Brown, Caferro, Campbell, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Klock, Koopman, Lambert, Maedje, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Windy Boy.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 460 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Everett, Lambert, A. Olson, B. Olson, Sales, Stahl.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 4 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Everett, Hawk, Lake, Ross, Sales, Waitschies.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 7 concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 72

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Hawk, Heinert, Himmelberger, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Witt.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 12 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 82

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Furey, Glaser, Himmelberger, Lake, Lange, McNutt, Ripley, Ross, Sales, Wagman, Waitschies, Windham.
Total 17

Excused: None.
Total 0

Absent or not voting: Juneau.
Total 1

SJR 17 concurred in as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 75

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, Koopman, Lake, Malcolm, McGillvray, McKenney, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.
Total 24

Excused: None.
Total 0

Absent or not voting: Glaser.
Total 1

SJR 24 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Balyeat, Bixby, Caferro, Everett, Hawk, Himmelberger, Kaufmann, Koopman, Lake, Lambert, McGillvray, Morgan, Rice, Ripley, Ross, Sales, Stahl, Waitschies, Ward.
Total 19

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

MOTIONS

Rep. Koopman moved HB 404 be withdrawn from the House Education Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 46

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 54

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Cohenour moved the House reconsider its action on March 31, 2005, on SB 194 for the purpose of placing the bill on 2nd Reading. Rep. Leader Brown rose to state this action was over the 24 hour consideration limit. Speaker Matthews stated the House would take a short recess.

Dem. Floor Leader Parker stated Rep. Cohenour's motion was out of order since it was over the 24 hour limit.

Rep. Cohenour withdrew her previous motion. Rep. Cohenour moved the House suspend the rules for a late consideration of the House action taken on SB 194. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Klock, Lenhart, Lindeen, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 56

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Keane, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Wagman, Waitschies, Ward, Warden, Wells.
Total 42

Excused: None.
Total 0

Absent or not voting: Himmelberger, Taylor.
Total 2

Rep. Becker moved SB 203 be withdrawn from the Labor and Industry Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm,

McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Maedje moved the House reconsider its action on HB 787 on 3rd Reading today and be placed on 3rd Reading on April 5, 2005. This requires a majority vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 49

Excused: None.
Total 0

Absent or not voting: Harris, Waitschies.
Total 2

SPECIAL ORDERS OF THE DAY

Consent Calendar: SB 335 and SB 457. There being no questions, these bills will be placed on 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Tuesday, April 5, 2005. Motion carried.

House adjourned at 3:20 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House

HOUSE JOURNAL
59TH LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — House Chambers
April 5, 2005 — State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Bill Jones. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 8:30 a.m.

House reconvened at 8:36 a.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 4/5/2005
Correctly printed: **HJR 34**.
Correctly enrolled: **HB 199**, **HB 483**.
Examined by the sponsor and found to be correct: **HB 153**, **HB 172**, **HB 199, HB 280**, **HB 316**, **HB 483, HB 492**, **HB 514**.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 4/5/2005
SB 428, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman): 4/5/2005
SB 86, be concurred in. Report adopted.
SB 287, be amended as follows:

1. Page 5, line 5 through line 6.
Strike: section 10 in its entirety

And, as amended, be concurred in. Report adopted.

SB 358, be concurred in. Report adopted.
SB 440, be concurred in. Report adopted.
SJR 13, be concurred in. Report adopted.
SJR 26, be concurred in. Report adopted.
SJR 27, be concurred in. Report adopted.

NATURAL RESOURCES (Peterson, Chairman): 4/5/2005
HJR 34, do pass and be placed on the consent calendar. Report adopted.
SJR 9, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 4/5/2005

SB 19, introduced by Mangan
SB 213, introduced by Story
SB 513, introduced by Elliott
SB 516, introduced by Gillan
SB 518, introduced by Elliott
SB 520, introduced by Elliott
SB 521, introduced by Elliott

Senate joint resolution passed and transmitted to the House for concurrence: 4/5/2005

SJR 32, introduced by Elliott

House amendments to Senate bills concurred in: 4/5/2005

SB 38, introduced by Schmidt
SB 325, introduced by Gebhardt
SB 369, introduced by Cocchiarella

House amendment to Senate bill not concurred in: 4/5/2005

SB 81, introduced by Stapleton

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/5/2005

HB 73, introduced by Buzzas
HB 431, introduced by Raser

HB 359 - The Senate Committee of the Whole failed to concur in **HB 359**.

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 42, introduced by Jent, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 19, introduced by Mangan, referred to Taxation.
SB 213, introduced by Story, Bergren, Gillan, Peterson, referred to Taxation.
SB 513, introduced by Elliott, Branae, Matthews, referred to Taxation.
SB 516, introduced by Gillan, A. Olson, Waitschies, referred to Taxation.
SB 518, introduced by Elliott, referred to Transportation.
SB 520, introduced by Elliott, Ellingson, Tester, referred to Taxation.
SB 521, introduced by Elliott, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 32, introduced by Elliott, Story, referred to Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 160 - Representative Jent moved **SB 160** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 62 - Representative Jent moved **SB 62** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: W. Jones, Sales.
Total 2

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - Representative Noennig moved **SB 139** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Butcher, Hawk, W. Jones, Sales, Stahl, Waitschies.
Total 6

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 140 - Representative Franklin moved **SB 140** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Butcher, Everett, Hawk, Koopman, Sales, Stahl, Waitschies.
Total 7

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 154 - Representative Facey moved **SB 154** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Barrett, Hawk, W. Jones, Koopman, MacLaren, Rice, Sales, Stoker.
Total 8

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 180 - Representative B. Olson moved **SB 180** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 48

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 191 - Representative Malcolm moved **SB 191** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Mr. Speaker.
Total 84

Noes: Barrett, R. Brown, Butcher, Glaser, Jackson, Jayne, W. Jones, Keane, Klock, Lenhart, Stahl, Stoker, Windham, Windy Boy, Witt.
Total 15

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Furey.
Total 1

SB 231 - Representative Noennig moved **SB 231** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 381 - Representative Noennig moved **SB 381** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 481 - Representative Lange moved consideration of **SB 481** be placed below **SB 124** on the second reading board. Motion carried.

SB 435 - Representative Noennig moved **SB 435** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 - Representative Hamilton moved **SB 88** be concurred in.

SB 88 - Representative Andersen moved **SB 88**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell,

Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 - Motion to concur in **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 50

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 91 - Representative Cohenour moved **SB 91** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.
Total 86

Noes: Balyeat, Barrett, Everett, Hendrick, L. Jones, Klock, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Peterson.
Total 13

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

SB 116 - Representative Noennig moved **SB 116** be concurred in.

SB 116 - Representative Maedje moved **SB 116**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, Barrett, R. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, Maedje, Malcolm, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Wagman, Wells, Windy Boy, Witt.
Total 33

Noes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.
Total 67

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 - Motion to concur in carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 77

Noes: Arntzen, Barrett, R. Brown, Butcher, Everett, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lange, Maedje, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Wells.
Total 23

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 118 - Representative Jent moved **SB 118** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Barrett, D. Brown, R. Brown, Everett, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lambert, MacLaren, McGillvray, Peterson, Rice, Ross, Sales, Sinrud, Wagman, Waitschies, Wells.
Total 21

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: A. Olson.
Total 1

SB 119 - Representative Gutsche moved **SB 119** be concurred in. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 56

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 44

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - Representative Noonan moved **SB 122** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 40

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Klock.
Total 1

SB 164 - Representative Grinde moved **SB 164** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 70

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Koopman, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Mendenhall, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 30

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 175 - Representative Arntzen moved **SB 175** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: Barrett, Everett, Hawk, Koopman, Lake, Maedje, B. Olson, Rice, Sales, Stoker, Wagman, Wells.
Total 12

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 195 - Representative R. Brown moved consideration of **SB 195** be placed below **SB 481** on the second reading board. Motion carried.

SB 196 - Representative Harris moved **SB 196** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 66

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.
Total 34

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 - Representative Rice moved **SB 259** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Bergren.
Total 1

SB 279 - Representative Driscoll moved **SB 279** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 79

Noes: Balyeat, Barrett, Everett, Gallik, Hawk, Heinert, Himmelberger, Koopman, Lake, Maedje, Noennig, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Warden, Wells.
Total 21

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 290 - Representative R. Brown moved consideration of **SB 290** be placed below **SB 143** on the second reading board. Motion carried.

SB 314 - Representative Heinert moved **SB 314** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 328 - Representative Becker moved **SB 328** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 79

Noes: Balyeat, Barrett, Butcher, Caferro, Everett, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, MacLaren, McGillvray, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Witt.
Total 21

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 - Representative Jacobson moved **SB 342** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: W. Jones.
Total 1

SB 396 - Representative B. Olson moved **SB 396** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Clark, Driscoll, Everett, Facey, Glaser, Grinde, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 69

Noes: Becker, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Hiner, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Noonan, Raser, Small-Eastman, Villa, Wanzenried, Windy Boy.
Total 31

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 458 - Representative McAlpin moved **SB 458** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 65

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jent, W. Jones, Keane, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Ward, Wells, Witt.
Total 35

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 461 - Representative Rice moved **SB 461** be concurred in.

SB 461 - Representative Clark moved **SB 461**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Mendenhall, Milburn, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.
Total 51

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 461 - Representative Small-Eastman moved consideration of **SB 461** be placed at the bottom of the second reading board for the purpose of amendment. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Lenhart, Malcolm, McAlpin, Morgan, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.
Total 54

Excused: Bixby, Juneau.
Total 2

Absent or not voting: Furey.
Total 1

SB 461 - Motion to concur carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Franklin, Gallik, Glaser, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.
Total 67

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Gutsche, Henry, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Malcolm, McAlpin, Noonan, Parker, Raser, Small-Eastman, Villa, Wilson, Windham, Wiseman.
Total 33

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 86

Noes: Caferro, Everett, Galvin-Halcro, Gutsche, Kaufmann, Koopman, Mendenhall, Musgrove, Sales, Wells.
Total 10

Excused: Bixby, Juneau.
Total 2

Absent or not voting: Sinrud, Wilson.
Total 2

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 12:15 p.m.

House reconvened at 12: 28 p.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter stating that the following members of the House Judiciary Committee requested a meeting of the Judiciary Committee be convened on April 5, 2005, at 3:00 p.m. for the purpose of taking action on SB 43: Rep. Paul Clark, Rep. Christopher Harris, Rep. Robyn Driscoll, Rep. Gail Gutsche, Rep. Jeanne Windham, Rep. Thomas McGillvray, Rep. Bill Wilson, Rep. Arlene Becker, Rep. Art Noonan, Rep. Mark Noennig, and Rep. John Parker. Speaker Matthews approved the meeting.

REPORTS OF STANDING COMMITTEES

EDUCATION (Galvin-Halcro, Chairman): 4/5/2005
SB 445, be amended as follows:

1. Page 3, following line 2.
Insert: "NEW SECTION. **Section 5. Contingent voidness.** If House Bill No. 2 is passed and approved without an appropriation for Montana national guard tuition waivers pursuant to [this act], then [this act] is void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Mendenhall, Chairman): 4/5/2005
SB 1, be concurred in. Report adopted.
SB 487, be amended as follows:

1. Title, line 7.
Strike: "SCHOOL BUS DRIVER"
Insert: "PERSON"

2. Title, line 8 through line 12.
Strike: "REQUIRING" on line 8 through "VIOLATION;" on line 12

3. Page 1, line 18.
Strike: "**owner**"
Insert: "operator"
Strike: "**-- limited defense**"

4. Page 1, line 22.
Strike: "20"
Insert: "approximately 15"
5. Page 3, line 2.
Strike: "school bus driver"
Insert: "person"
Following: "written"
Insert: ", in addition to an oral,"

6. Page 3, line 9 through line 12.
Strike: "The" on line 9 through "vehicle." on line 12
Insert: "A report under subsection (7)(a) constitutes particularized suspicion under 46-5-401(1) that an operator of the vehicle committed a violation of this section."

7. Page 3, line 13 through line 25.
Strike: subsection 8 in its entirety
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

SB 507, be amended as follows:

1. Page 11.
Following: line 18
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (2) of 61-3-203 in [this act] must read as follows:
"(2) Of the $14 fee imposed in subsection (1), $5 must be deposited in the motor vehicle information technology system account provided for in 61-3-550 and the remaining amount must be deposited in the state general fund.""
Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (2) of 61-3-204 in [this act] must read as follows:
"(2) Of the $14 fee imposed in subsection (1), $5 must be deposited in the motor vehicle information technology system account provided for in 61-3-550 and the remaining amount must be deposited in the state general fund.""
Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If both House Bill No. 671 and [this act] are passed and approved, then [section 42] of House Bill No. 671 that amends 61-3-203 is void."
Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (1)(b) of 61-3-411 in [this act] must read as follows:
"(b) the name and address of the person from whom the motor vehicle, trailer, semitrailer, or pole trailer was purchased;"."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 4/5/2005

SB 271, introduced by Elliott

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/5/2005

HB 332, introduced by Buzzas

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 271, introduced by Elliott, Ryan, referred to Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wilson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 489 - Representative Maedje moved **SB 489** be concurred in.

SB 489 - Representative Peterson moved **SB 489**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Peterson moved the House reconsider its action on amendment **SB 489-1**. Chair stated this is a limited debate. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje,

Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.
Total 46

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: Caferro, Kaufmann, Windy Boy.
Total 3

SB 489 - Representative Peterson moved **SB 489**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 10.
Strike: "AND" on line 8 through "ASSISTANCE" on line 10

2. Page 5, line 25.
Strike: "THROUGH (11)"
Insert: "and (10)"

3. Page 9, line 3 through line 21.
Strike: subsection (11) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 48

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 489 - Representative Maedje moved **SB 489**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Becker, Bixby, Mendenhall, Musgrove.
Total 4

Voted Absentee: Juneau, Aye; Bixby, No.

Excused: None.
Total 0

Absent or not voting: Jent, Wilson.
Total 2

SB 33 - Representative McAlpin moved **SB 33** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Barrett, Everett, Hawk, Himmelberger, Ripley, Sinrud.
Total 6

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 46 - Representative Henry moved **SB 46** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Everett, Hawk, Lake, Sales.
Total 4

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 124 - Representative Waitschies moved **SB 124** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 481 - Representative McNutt moved **SB 481** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Hawk, Sales, Wells.
Total 3

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Lake.
Total 1

SB 195 - Representative MacLaren moved **SB 195** be concurred in.

SB 195 - Representative Maedje moved **SB 195**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm,

McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 195 - Representative Maedje moved **SB 195**, second reading copy, be amended as follows:

1. Page 5, line 13.
Strike: "shall"
Insert: "may"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Dickenson, Everett, Facey, Franklin, Glaser, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.
Total 77

Noes: Bergren, Bixby, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Juneau, Kaufmann, Lindeen, Musgrove, Parker, Windy Boy, Wiseman.
Total 23

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 195 - Representative Maedje moved **SB 195**, second reading copy, be further amended as follows:

1. Page 5, line 14.
Following: "76-1-601"
Strike: "."

2. Page 5, line 15 through line 17.
Following: "~~2007.~~"
Strike: remainder of line 15 through "POLICIES"

3. Page 5, line 18.
Strike: "INCLUDE"

Insert: "includes"
Strike: "BY OCTOBER 1, 2007"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Wilson, Windham, Witt, Mr. Speaker.
Total 54

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Windy Boy, Wiseman.
Total 44

Excused: Bixby, Juneau.
Total 2

Absent or not voting: None.
Total 0

SB 195 - Representative MacLaren moved **SB 195**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, Noennig, Noonan, Parker, Sesso, Villa, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 39

Noes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt.
Total 61

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 142 - Representative Maedje moved **SB 142** be concurred in. Motion carried as follows:

Ayes: Barrett, Becker, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Henry, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, Peterson, Raser, Rice, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.
Total 57

Noes: Andersen, Arntzen, Balyeat, Bergren, Bixby, D. Brown, R. Brown, Everett, Gallik, Hamilton, Hawk, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McKenney, Milburn, Morgan, A. Olson, B. Olson, Parker, Ripley, Roberts, Sales, Sinrud, Sonju, Taylor,

Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.
Total 43

Voted Absentee: Juneau, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 143 - Representative Dickenson moved **SB 143** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Hamilton, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 74

Noes: Balyeat, Becker, Caferro, Campbell, Cohenour, Everett, Gallik, Galvin-Halcro, Gutsche, Harris, Hawk, Hendrick, W. Jones, Kaufmann, Koopman, Lambert, Mendenhall, Musgrove, Sales, Sinrud, Wagman, Wells.
Total 22

Excused: None.
Total 0

Absent or not voting: D. Brown, R. Brown, Ward, Wilson.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 335 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 457 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

SB 2 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.
Total 86

Noes: Buzzas, Caferro, Furey, Gallik, Gutsche, Harris, Henry, Jayne, Juneau, Kaufmann, McAlpin, Musgrove, Windy Boy, Wiseman.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 294 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 88

Noes: Balyeat, Barrett, Everett, Koopman, Lake, Mendenhall, B. Olson, Ripley, Sales, Sinrud, Witt.
Total 11

Excused: None.
Total 0

Absent or not voting: Windham.
Total 1

SB 76 concurred in as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Warden, Wilson, Windham, Windy Boy, Mr. Speaker.
Total 52

Noes: Andersen, Arntzen, D. Brown, R. Brown, Clark, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Jopek, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wells, Wiseman, Witt.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 95 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Balyeat, Barrett, Bixby, Butcher, Caferro, Everett, Furey, Hawk, Hendrick, Jackson, Kaufmann, Koopman, Lambert, MacLaren, Malcolm, McGillvray, Mendenhall, Rice, Wagman.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 138 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Barrett, McGillvray, Morgan, Ripley, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 145 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: Hawk, Hendrick, L. Jones, Koopman, Lake, Malcolm, Mendenhall, Rice, Sales, Sinrud, Wagman.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 186 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, R. Brown, Butcher, Clark, Cohenour, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 72

Noes: Bergren, Bixby, D. Brown, Buzzas, Caferro, Callahan, Campbell, Dowell, Eaton, Galvin-Halcro, Gutsche, Hamilton, Harris, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lindeen, Parker, Raser, Roberts, Stahl, Wagman, Ward, Windy Boy.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 198 failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts,

Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Driscoll, Gutsche, Kaufmann.
Total 3

Excused: None.
Total 0

Absent or not voting: Buzzas.
Total 1

SB 214 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 349 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,

Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Everett.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 350 concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 68

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 355 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Balyeat, Everett, Koopman, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365 concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 64

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Galvin-Halcro, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 76

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Koopman, Lake, Lambert, Maedje, McNutt, Mendenhall, Rice, Ripley, Sales, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Becker, Everett, Hawk, Mendenhall, Sales, Wells.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 410 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Becker, Buzzas, Franklin, Galvin-Halcro, Gutsche, Henry, Jackson, Jayne, Raser, Windham.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 434 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 443 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 85

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Himmelberger, Jackson, Koopman, Lake, Malcolm, Mendenhall, Rice, Ripley, Sales.
Total 14

Excused: None.
Total 0

Absent or not voting: Heinert.
Total 1

SB 466 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Balyeat.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 470 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser,

Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 472 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Balyeat, Barrett, Hendrick, Rice, Ripley, Sonju, Wagman, Ward.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 497 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.
Total 93

Noes: Buzzas, Furey, Galvin-Halcro, Jayne, Kaufmann, Maedje, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 290 - Representative MacLaren moved **SB 290** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 66

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 - Representative B. Olson moved **SB 174** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: Balyeat, Barrett, R. Brown, Campbell, Cohenour, Glaser, Hawk, Himmelberger, Lake, Mendenhall, Rice, Ross, Wagman.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 197 - Representative Wanzenried moved consideration of **SB 197** be placed below **SB 419** on the second reading board. Motion carried.

SB 311 - Representative Wanzenried moved consideration of **SB 311** be moved to the bottom of the second reading board. Motion carried.

SB 204 - Representative Wanzenried moved consideration of **SB 204** be placed below **SJR 22** on the second reading board. Motion carried.

SB 182 - Representative Keane moved **SB 182** be concurred in. Motion carried as follows:

Ayes: Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 74

Noes: Andersen, Arntzen, Balyeat, D. Brown, Butcher, Everett, Glaser, Koopman, Lake, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sonju, Stoker, Taylor, Waitschies, Ward, Wells, Witt.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 - Representative Hendrick moved **SB 295** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: Barrett, R. Brown, Butcher, Dickenson, Everett, Hawk, Himmelberger, Jayne, Lake, McGillvray, Ripley, Sales, Sonju.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 299 - Representative Jacobson moved **SB 299** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 79

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, McNutt, Rice, Ripley, Sales, Sonju, Stahl, Stoker, Ward.
Total 20

Excused: None.
Total 0

Absent or not voting: A. Olson.
Total 1

SB 304 - Representative Bergren moved **SB 304** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Himmelberger, Koopman, Lake, Maedje, McKenney, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wells.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 384 - Representative Henry moved **SB 384** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 419 - Representative Ripley moved **SB 419** be concurred in.

SB 419 - Representative Wiseman moved **SB 419**, second reading copy, be amended as follows:

1. Page 2, line 2.
Following: "petition"
Insert: "or resolution, as provided in subsection (2)(a) or (2)(b),"

Amendment adopted as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso,

Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 63

Noes: Andersen, Balyeat, D. Brown, Butcher, Everett, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Jacobson, L. Jones, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Ripley, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Wells.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 419 - Representative Ripley moved **SB 419**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Balyeat, Becker, Branae, R. Brown, Butcher, Clark, Dowell, Driscoll, Facey, Golie, Grinde, Jackson, Jacobson, W. Jones, Juneau, Koopman, Lake, McAlpin, McNutt, Milburn, Morgan, Noennig, Peterson, Raser, Ripley, Roberts, Sonju, Stahl, Stoker, Wanzenried, Ward, Wilson, Mr. Speaker.
Total 33

Noes: Andersen, Arntzen, Barrett, Bergren, Bixby, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Musgrove, Noonan, A. Olson, B. Olson, Parker, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.
Total 67

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 197 - Representative Eaton moved consideration of **SB 197** be placed at the bottom of the second reading board. Motion carried.

Rep. Bergren assumed the Chair.

SB 459 - Representative B. Olson moved **SB 459** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 95

Noes: Sales.
Total 1

Excused: None.
Total 0

Absent or not voting: Arntzen, Keane, Rice, Witt.
Total 4

SB 478 - Representative Jent moved **SB 478** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Balyeat, Gallik, W. Jones, Lake, A. Olson, B. Olson, Ripley, Ross, Sales, Sinrud, Stoker, Waitschies, Warden, Wells.
Total 14

Excused: None.
Total 0

Absent or not voting: Butcher, MacLaren, Maedje, McGillvray, Stahl.
Total 5

SB 500 - Representative Caferro moved **SB 500** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.
Total 44

Excused: None.
Total 0

Absent or not voting: Kaufmann.
Total 1

Rep. Dowell assumed the Chair.

SB 503 - Representative Ward moved **SB 503** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Becker, Clark, Franklin, Grinde, Gutsche, Jopek, Warden.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 22 - Representative Golie moved **SJR 22** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 78

Noes: Balyeat, Everett, Glaser, Harris, Hawk, Himmelberger, Koopman, Lake, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Ross, Sales, Sinrud, Wagman, Waitschies, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: Noennig, Roberts, Small-Eastman.
Total 3

SB 204 - Representative Parker moved **SB 204** be concurred in. Motion **failed** as follows:

Ayes: Barrett, Becker, Bergren, Butcher, Buzzas, Callahan, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Gutsche, Hamilton, Harris, Heinert, Jackson, L. Jones, Lake, Lange, Lindeen, MacLaren, A. Olson, B. Olson, Parker, Raser, Rice, Sales, Small-Eastman, Stahl, Stoker, Wagman, Waitschies, Warden, Wilson, Wiseman.
Total 38

Noes: Andersen, Arntzen, Balyeat, Bixby, Branae, D. Brown, R. Brown, Caferro, Campbell, Clark, Dickenson, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Peterson, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Taylor, Villa, Wanzenried, Ward, Wells, Windham, Windy Boy, Witt, Mr. Speaker.
Total 62

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 311 - Representative Wilson moved **SB 311** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice,

Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Koopman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Lindeen assumed the Chair.

SB 197 - Representative Golie moved **SB 197** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 77

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Koopman, Lake, Lambert, McGillvray, McNutt, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Stoker, Taylor.
Total 22

Excused: None.
Total 0

Absent or not voting: Furey.
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 83

Noes: Everett, Hawk, Heinert, Hendrick, W. Jones, Koopman, Maedje, McGillvray, Mendenhall, Sales, Sinrud, Wells.
Total 12

Excused: None.
Total 0

Absent or not voting: Himmelberger, Jackson, Noonan, Small-Eastman, Ward.
Total 5

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzenried to Speaker Matthews stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take SB 78 from the Business and Labor Committee and place on 2nd Reading on April 5, 2005.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Keane, Chairman): 4/5/2005
SB 78, be amended as follows:

1. Title, line 9.
Strike: "$6.25"
Insert: "$5.65"
Following: "2005,"
Insert: "AND TO $6 AN HOUR BEGINNING JULY 1, 2006,"

2. Page 1, line 20.
Following: "(b)"
Insert: "(i)"
Strike: "$6.25"
Insert: "$5.65"
Following: "hour"
Insert: "beginning July 1, 2005; or"
(ii) $6 an hour beginning July 1, 2006

And, as amended, without recommendation. Report adopted.

JUDICIARY (Rice, Chairman): 4/5/2005
SB 43, be concurred in. Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Representative Jent moved **SB 1** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, Jayne, W. Jones, Koopman, MacLaren, Mendenhall, Rice, Sales, Sinrud, Sonju, Stoker.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 86 - Representative Noonan moved **SB 86** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.
Total 79

Noes: Balyeat, Barrett, Everett, Gallik, Hawk, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Rice, Ripley, Sales.
Total 18

Excused: None.
Total 0

Absent or not voting: McKenney, Witt, Mr. Speaker.
Total 3

SB 440 - Representative Facey moved **SB 440** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 86

Noes: Butcher, Everett, Golie, Heinert, Himmelberger, W. Jones, Koopman, Lake, Malcolm, Mendenhall, Sales, Sinrud, Taylor, Wells.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 487 - Representative Cohenour moved **SB 487** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 61

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Clark, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Waitschies, Warden, Wells, Witt.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 9 - Representative Maedje moved **SJR 9** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: Hawk, Himmelberger, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Ross, Sales, Wagman, Wells.
Total 11

Excused: None.
Total 0

Absent or not voting: Waitschies.
Total 1

SJR 13 - Representative Facey moved **SJR 13** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 71

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, Jent, L. Jones, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, Milburn, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Taylor, Wagman, Waitschies, Wells.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 26 - Representative Heinert moved **SJR 26** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: D. Brown, Hawk, Koopman, McGillvray, Ripley, Ross, Sales, Waitschies, Wells.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 27 - Representative Noonan moved **SJR 27** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Everett, Hawk, Koopman, Mendenhall, Ripley, Ross, Sales, Waitschies, Wells.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: D. Brown, Everett, Hawk, Hendrick, Koopman, Mendenhall, Sales, Sinrud, Wells.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Dem. Floor Leader Parker moved that the following bills be re-referred to the House Appropriations Committee: SB 180, SB 489, and SB 197. Without objection, so ordered.

Rep. Dickenson moved the House reconsider its action on SB 143 today and place on 2nd Reading tomorrow. This requires a majority vote. Motion passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.
Total 48

Excused: None.
Total 0

Absent or not voting: Golie, Witt.
Total 2

Rep. Hiner moved to suspend the House rules for the late drafting, introduction, and transmittal of a House bill. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Facey moved the House reconsider its action on SB 198 for the purpose of placing the bill on 3rd Reading. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward,

Warden, Wells, Witt.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Small-Eastman moved to suspend the rules for the late drafting, introduction, and transmittal of a House joint resolution. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Kaufmann moved SB 485 be withdrawn from the House Judiciary Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 78 - Representative Bergren moved **SB 78** be concurred in.

SB 78 - Representative Keane moved **SB 78**, second reading copy, be amended as follows:

1. Title, line 10.
Following: "GREATER;"
Insert: "INCREASING THE AMOUNT OF ANNUAL GROSS SALES OF A BUSINESS THAT ENTITLES THE BUSINESS TO PAY A MINIMUM WAGE OF $4;"

2. Page 2, line 2.
Strike: "$110,000"
Insert: "$250,000"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Caferro, Everett, Gallik, Hawk, Kaufmann, Lake, Ross, Sales, Sinrud.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 78 - Representative Parker moved for cloture. Motion carried with a voice vote.

SB 78 - Representative Bergren moved **SB 78**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 50

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, April 6, 2005. Motion carried.

House adjourned at 7:30 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House